

City of Cody City Council

AGENDA

Tuesday, January 17, 2012 - 7:00 p.m. (Pre-Meeting 6:30 p.m. in Conference Room A)
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

Glenn "Bill" Nielson - Planning and Zoning Adjustment Board

Dale Cowan and David Jenkins – Yellowstone Regional Airport Board

Bert Pond and the Electrical Department – Article in Public Power Publication regarding City of Cody Street Lights

New Employee - R. Todd Stowell – City Planner

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 of the Special Meeting from 12/29/11 and Regular Meeting Minutes from 1/3/12.
 - b. Approve vouchers and payroll in the amount of \$1,217,900.99.
 - c. Approve and authorize the Mayor to sign the 2011 Homeland Security Grant Agreement in the amount of \$19,294.23.
 - d. Authorize the Mayor to sign the right-of-way application to the Bureau of Land Management (BLM) for the installation and maintenance of a trail system on BLM land south of Beck Lake Park. Further authorize the Parks, Recreation & Facilities Director to submit minor modification request to BLM that do not require financial commitments from the City.
 - e. Approve and authorize the Mayor to enter into a lease between the City of Cody and the Park County Fire Protection District No. 2 for use of City property for the Fire District Training Center.
 - f. Award Bid 2011-20 for materials for use as part of the North Cody Annex to Western United, using alternates 1 & 2 for a total bid cost of \$173,343.46
 - g. Approve and authorize the Mayor to enter into an agreement between the City of Cody and CGI communications, Inc., for a Community Video Tour Book to be placed on the City website for the purpose of marketing the City of Cody.
2. Public Comments: The City Council welcomes input from the public. In order for everyone to be heard, please limit your comments to five (5) minutes per person. The Guidelines for the Conduct of City Council Meetings do not allow action to be taken on public comments.
3. Public Hearing
4. Conduct of Business

- a. Consider the appointment for a three year term to the Yellowstone Regional Airport Board with the term ending December 31, 2014.
- b. Consider approving a one year extension for Cooter Brown's LLC to become operational.
Staff Reference: Cindy Baker, Administrative Services Officer
- c. Consider a funding request in the amount of \$1,000.00 from Park County Animal Shelter to offset the cost of their Spay/Neuter Clinic.
Staff Reference: Cindy Baker, Administrative Services Officer
Spokesperson: Mary Whitmore, PCAS
- d. Authorize the Mayor to sign a letter of support for the Summit Housing Group project in the Fenex Subdivision.
Staff Reference: Steve Payne, Public Works Director
- e. **ORDINANCE 2012-01 – FIRST READING**
AN ORDINANCE AMENDING SECTION 9-3-7 OF THE CITY OF CODY MUNICIPAL CODE PERTAINING TO PERSONS EXCLUDED FROM REQUIREMENTS OF LICENSING REQUIREMENTS.
Staff Reference: Steve Payne, Public Works Director
- f. **ORDINANCE 2012-02 – FIRST READING**
AN ORDINANCE AMENDING TITLE 3, CHAPTER 2, ARTICLE II, SECTION 15 OF THE CITY OF CODY CODE: SUSPENSION OR REVOCATION OF LICENSE.
Staff Reference: Jenni Rosencranse, City Administrator
- g. **ORDINANCE 2012-03 – FIRST READING**
AN ORDINANCE AMENDING TITLE 3, CHAPTER 2, ARTICLE II, SECTION 10 OF THE CITY OF CODY CODE: NUMBERS, APPLICATION, ISSUANCE AND REGULATION OF LICENSES AND LICENSEES.
Staff Reference: Jenni Rosencranse, City Administrator
- h. **RESOLUTION 2012-01**
A RESOLUTION AMENDING THE CITY OF CODY FINAL BUDGET FOR FISCAL YEAR 2011-2012
Staff Reference: Jenni Rosencranse, City Administrator

5. Tabled Items

6. Matters from Staff Members or Council Members

City of Cody
Council Proceedings
Thursday, December 29, 2011

A special meeting of the Cody City Council was held in Council Chambers of City Hall in Cody, Wyoming on Thursday, December 15, 2011 at 4:15 p.m.

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

Absent: Council Member Bryan Edwards

Mayor Nancy Tia Brown called the meeting to order at 4:15 p.m.

The Governing Body discuss electric meter assignment error and directed staff to proceed as recommend in waiving the incorrect billing for the last six months to Mr. Thompson and credit the difference in billing to the residence on Greever St.

The Governing Body discussed Spirit Mountain Water Main Rehabilitation Project and the original 8th Street water main rehabilitation project that was budgeted. Staff was directed to proceed with the Spirit Mountain water main rehabilitation project and consider the 8th St project in the next fiscal year if appropriate.

The Governing Body discussed the “Living with Urban Deer Pamphlet” and costs associated with producing these document. Staff was directed to proceed with printing with funding coming out of the contingency general ledger account.

Steve Payne, Public Works Director, apprised the Governing Body of MOU with Riverside Cemetery. Staff was directed to move forward with the MOU and bring the document to the Council for approval at a later date.

The Governing Body discussed the continuing issue with the pavers versus sidewalk on the Morgan Trust Property. Council Member Fritz visited with the property owners and no resolution was obtained to the situation. Staff was directed to compose a letter referring to the ordinance and the joint venture the City would like to continue in. The letter should also outline the consequences if the sidewalk is not brought up to the City regulation and provide until May 15th for them to respond.

The Governing Body reviewed the January 3, 2012 Regular Council Meeting Agenda. No action was taken.

Council Member Miller made a motion seconded by Council Member Anderson to enter into an Executive Session to discuss personnel matters pursuant to Wyoming State Statute 16-4-405 at 5:56 p.m. Council Member Miller made a motion seconded by Council Member Cloud to exit the Executive Session at 6:18 p.m. No Action was taken.

There being no further discussion, the meeting adjourned at 6:26 p.m.

Cindy Baker
Administrative Services Officer

Nancy Tia Brown
Mayor

City of Cody
Council Proceedings
Tuesday, January 3, 2012

A regular meeting of the Cody City Council was held in Council Chambers of City Hall in Cody, Wyoming on Tuesday, January 3, 2012 at 7:00 p.m.

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

Absent: None

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

Council Member Miller made a motion seconded by Council Member Cloud to approve the Agenda as amended, modifying the Conduct of Business by moving item "l" to item "f one". Vote was unanimous.

Cody Honor Guards presented the colors, followed by the Pledge of Allegiance after which Mayor Brown read the proclamation declaring January 11, 2012 as George Dabich Day.

Council Member Miller made a motion seconded by Council Member Fritz to approve the Consent Calendar including approval of Minutes of the Special Meeting from 12/15/11, and Regular Meeting Minutes from 12/20/11, approve vouchers and payroll in the amount of \$457,147.57, approve Amendment One to the contract between the City of Cody, Wyoming and the Wyoming Department of State Parks and Cultural Resources for building the Wyoming Veterans' Memorial Park – Freedom Monument and authorize the Mayor to sign the amended contract, authorize the Mayor to sign the easement application form and submit to Burlington Northern Santa Fe Railroad for the Rocky Mountain Power purchase project. Appoint Council Member Steve Miller as the City of Cody Council Liaison to the Planning, Zoning and Adjustment Board for a three year term ending December 31, 2014, appoint Council Member Charles Cloud to the Contractors' Board for a three year term ending December 31, 2014, appoint Council Members Bryan Edwards and Jerry Fritz to the Urban Systems Board for a three year term ending December 31, 2014, appoint Council Members Charles Cloud and Steve Miller to the Northwest Improvement Joint Powers Board for a three year term ending December 31, 2014, appoint Council Member Donny Anderson to the Park County Drug court for a one year term ending December 31, 2012, appoint Council Member Steve Miller as Council President and Council Member Stan Wolz as Council Vice President for a one year term ending December 31, 2012, appoint Council Members Charles Cloud and Jerry Fritz as the Police Liaison for a two year term ending January 31, 2014, appoint Council Member Bryan Edwards as the Administrative Services Department Liaison for a two year term ending January 31, 2014, appoint Council Member Stan Wolz as the Parks, Recreation and Public Facilities Department Liaison for a two year term ending January 31, 2014, and appoint Council Members Donny Anderson and Steve Miller as the Public Works Department Liaison for a two year term ending January 31, 2014. Vote was unanimous.

Council Member Fritz made a motion seconded by Council Member Anderson to approve an Encroachment Lease Agreement between the City of Cody and Red Canyon River Trips to park a van and boat trailer on the dirt portion of the public right of way on Beck Avenue from 12th Street to the first approach west of 12th Street from May 1 through September 30th, and authorize the Mayor to sign the agreement contingent upon the final review and approval of the agreement by the City Attorney. Vote was unanimous.

Council Member Fritz made a motion seconded by Council Member Cloud to extend the professional services contract between Copenhaver, Kath, Kitchen and Kolpitcke to June 30, 2012. Vote was unanimous.

Council Member Miller made a motion seconded by Council Member Anderson to approve the appointment of Kim Borer and Robert Senitte for the three-year term ending December 31, 2014 to the Planning, Zoning and Adjustment Board and the appointment of Mark Musser for the one-year term ending December 31, 2012 to the Planning, Zoning and Adjustment Board. Vote was unanimous.

Council Member Cloud made a motion seconded by Council Member Wolz to approve the appointment of Glenn Ross for a three year term to the Park County Travel Council with the term ending March 31, 2015. Vote was unanimous.

Council Member Edwards made a motion seconded by Council Member Fritz to approve the appointment of Douglas Johnston for a three year term to the Yellowstone Regional Airport Board with the term ending December 31, 2014. Vote was unanimous.

Council Member Miller made a motion seconded by Council Member Anderson to approve the appointment of Bert Pond for a three year term to the Wyoming Municipal Power Agency's Board of Directors with the term ending February 28, 2015. Vote was unanimous.

Council Member Cloud made a motion seconded by Council Member Anderson to approve the appointment of Kim Nelson and Roy Holm for a three year term to the Contractors' Board with the term ending December 31, 2014. Vote was unanimous.

Council Member Fritz made a motion seconded by Council Member Cloud to approve the appointment of Diane Russell and L.J. O'Mara for a two year term to the Tree Board with the term ending December 31, 2013. Vote was unanimous.

Council Member Miller made a motion seconded by Council Member Fritz to approve the Official Community Appointments for 2012: Municipal Court Judge, C.E. Webster II; Alternate Municipal Court Judges, Bruce Waters, James Allison, and John Housel; Fire Marshall, Sam Wilde; and Fire Chief, Jeff Steward. Vote was unanimous.

Council Member Miller made a motion seconded by Council Member Fritz to declare Public Fund Depositories per §9-4-818(a) to include: Wells Fargo Bank, Big Horn Federal Savings, First National Bank of Wyoming, Pinnacle Bank, Bank of the West, and US Bank. Vote was unanimous.

Council Member Cloud made a motion seconded by Council Member Fritz to declare the Cody Enterprise as the City's Official publication per §15-1-110. Vote was unanimous.

As pursuant to §6-5-118 (a) the Mayor, Council Members, City Administrator and Administrative Services Officer signed the Conflict of Interest disclosure statements declaring financial interest in depositories or firms where the City of Cody funds are invested.

**ORDINANCE 2011-28 – 3rd and FINAL READING
AN ORDINANCE AMENDING THE HEREIN BELOW IDENTIFIED SECTIONS
OF CHAPTER 9, ARTICLE III, OF THE CODY CITY CODE TO MODIFY
ELECTRICAL RATES.**

Council Member Fritz made a motion seconded by Council Member Wolz to pass Ordinance 2011-28 on third and final reading. Vote was unanimous.

There being no further business, Mayor Brown adjourned the meeting at 8:02 p.m.

Cindy Baker
Administrative Services Officer

Nancy Tia Brown
Mayor

Vendor	Vendor Name	Invoice No	Description	Inv Date	Net Inv Amt	Amount Paid	Date PD	Inventory No
125412	813-NCPERS WYOMING	010412	PREMIUM	01/04/2012	400.00	400.00	01/04/2012	
Total 125412					400.00	400.00		
200	A-1 ELECTRIC	02160	CITY HALL REMODEL	12/30/2011	1,067.32			
Total 200					1,067.32	.00		
2390	ACE HARDWARE	221706	REPAIR TOMMY LIFT B24	12/05/2011	13.61			
		222429	TOOLS	12/16/2011	23.99			
		222449	PARKS TRAILER REPAIR	12/16/2011	11.70			
		222500	OFFICE REMODEL	12/17/2011	73.40			
		222560	REPAIR VEHICLE K23	12/19/2011	.85			
		222592	SHOP SUPPLIES	12/20/2011	7.58			
		222604	ICE MELT	12/20/2011	50.97			
		222611	OFFICE REMODEL	12/20/2011	37.56			
		222622	OFFICE REMODEL	12/20/2011	13.99			
		222628	SIDE WALK CLEAN UP	12/20/2011	15.24			
		222639	SIDE WALK CLEAN UP	12/20/2011	4.98			
		222912	SUPPLIES	12/27/2011	8.98			
		223224	CARDBOARD CONTAINER PAINTING	01/03/2012	20.12			
		223229	SUPPLIES	01/03/2012	21.46			
		223308	STUMP MARKING PAINT	01/04/2012	14.98			
			TOOLS		28.99			
		223366	CHRISTMAS LIGHT PICKUP	01/05/2012	13.99			
		223370	TOOLS	01/05/2012	15.98			
		223407	SUPPLIES	01/05/2011	35.98			
Total 2390					414.35	.00		
270	ACKER ELECTRIC	26826	TEMP ELEC -531 15TH ST	12/20/2011	114.69			
Total 270					114.69	.00		
129162	ADVANCED INFO SYSTEMS	9043	CYCLE 2 OUTSOURCING	12/27/2011	205.57			
		9058	CYCLE 3 OUTSOURCING	12/28/2011	446.97			
		9083	CYCLE 4 OUTSOURCE BILLS	12/30/2011	274.19			
Total 129162					926.73	.00		
450	ALDRICH LUMBER CO	444471	FASTENERS	12/16/2011	3.01			
		444475	OFFICE REMODEL	12/16/2011	8.98			
		444875	BROOM / GARBAGE BAGS	12/29/2011	15.38			
		445106	IDENTIFY STUMP LOCATIONS FOR RE	01/04/2012	21.98			
		445307	PLYWOOD / SCREWS	01/09/2012	39.14			
		445309	TORX BIT	01/09/2012	.79			
Total 450					89.28	.00		
129242	ALPHAGRAPHICS BOZEMAN	108060	DEPOSIT SLIPS	12/21/2011	125.00			
Total 129242					125.00	.00		
126551	ALSCO	794018	RUGS - CITY HALL	12/20/2011	48.69			
		794019	RUGS - AUDITORIUM	12/20/2011	169.02			
		795461	TOWELS	12/26/2011	31.18			
		797257	TOWELS	01/02/2012	31.18			

Vendor	Vendor Name	Invoice No	Description	Inv Date	Net Inv Amt	Amount Paid	Date PD	Inventory No
Total 126551					280.07	.00		
550	AMERICAN FAMILY LIFE ASSUR	300055	PREMIUM	01/04/2012	2,258.05	2,258.05	01/04/2012	
Total 550					2,258.05	2,258.05		
128592	AMERICAN WELDING & GAS, IN	01554482	CO2	12/21/2011	66.84			
		01559280	CO2	12/28/2011	66.84			
Total 128592					133.68	.00		
1010	BEAR CO, INC	161824	TIRE REPAIR	11/28/2011	83.00			
		161918	TIRES MOWER	12/02/2011	54.00			
			TIRES SKI BUS		1,332.00			
		161950	TIRES - POLICE CAR A06	12/05/2011	756.00			
		162126	TIRE REPAIR BOBCAT	12/14/2011	98.00			
		162158	BF GOODRICH DR444 11R22.5	12/16/2011	2,500.72			TIRE #91
		162159	TIRES	12/16/2011	194.00			
		162216	TIRES	12/20/2011	1,193.20			
Total 1010					6,210.92	.00		
128822	BEARTOOTH COUNTRY FLOWE	123011	FLORAL ARRANGEMENTS	12/30/2011	185.99			
Total 128822					185.99	.00		
1160	BIG HORN GLASS	504	WINDSHEILD REPLACEMENT (LESS S	12/01/2011	310.06			
Total 1160					310.06	.00		
1210	BIG HORN WHOLESALE	1001	SUPPLIES - PARK SHOP KITCHEN	01/01/2012	48.36			
		1002	SUPPLIES - PARK SHOP KITCHEN	01/01/2012	45.32			
		1062	FLOOR WAX - LAB	01/05/2012	37.72			
		133535	CLEANING SUPPLIES	12/19/2011	975.51			
		133598	CLEANING SUPPLIES	12/22/2011	51.23			
Total 1210					1,158.14	.00		
4125	BLAKEMAN PROPANE, INC	61476	PROPANE FORKLIFT	12/15/2011	59.72			
Total 4125					59.72	.00		
1420	BORDER STATES INDUSTRIES I	903395100	NORTH CODY	12/27/2011	510.05			
		903401227	NORTH CODY	12/28/2011	1,952.47			
		903407431	NORTH CODY	12/29/2011	2,578.92			
Total 1420					1,136.50	.00		
129244	BRAWLEY, ASHLEY	14202037	REFUND UTILITY DEPOSIT	01/03/2011	1.55			
Total 129244					1.55	.00		
123538	BRESNAN COMMUNICATIONS	121511	INTERNET - SHOP	12/15/2011	37.48			
			INTERNET - SHOP		37.49			
			INTERNET - SHOP		37.49			
			INTERNET - SHOP		37.49			
		121511-REC	INTERNET - CABLE	12/15/2011	46.94			
		122011-CH	INTERNET - CITY HALL	12/20/2011	102.90			

Vendor	Vendor Name	Invoice No	Description	Inv Date	Net Inv Amt	Amount Paid	Date PD	Inventory No
		122811-REC	INTERNET - REC CENTER	12/28/2011	65.15			
	Total 123538				364.94	.00		
1550	BRUCO INC	294607	CLEANING SUPPLIES	12/08/2011	372.66			
	Total 1550				372.66	.00		
129250	BUSCH, MARIA EMMA	253326	REC CENTER REFUND	01/05/2012	35.00			
	Total 129250				35.00	.00		
1690	C & C WELDING	14155	RECYCLING CENTER	11/30/2011	32.74			
		14197	SUPPLIES	12/12/2011	1.23			
		14203	RECYCLING CONTAINERS	12/13/2011	38.50			
		14214	REPAIR TRAILER WELDS	12/14/2011	238.60			
		14217	RECYCLING TRAILER BRACKETS	12/15/2011	1,701.63			
		14276	WATER CRANE REPAIR	01/04/2012	127.69			
	Total 1690				2,140.39	.00		
1860	CARPET HUT	14997	OFFICE REMODEL	12/22/2011	396.75			
	Total 1860				396.75	.00		
2050	CAT'S WEST UPHOLSTERY	117190	SEAT REPAIR D04	12/16/2011	245.00			
	Total 2050				245.00	.00		
124671	CDW GOVERNMENT, INC.	C421918	COMPUTER EQUIPMENT - PD SERVEF	12/14/2011	358.10			
		C462717	COMPUTER EQUIPMENT	12/15/2011	195.51			
	Total 124671				553.61	.00		
10091	CENTURY LINK	121911	PHONE CHARGES	12/19/2011	706.10			
	Total 10091				706.10	.00		
2260	CITY OF CODY	122311	UTILITIES	12/23/2011	2,589.38			
			UTILITIES		1,152.43			
			UTILITIES		4,757.10			
			UTILITIES		749.50			
			UTILITIES		2,205.04			
			UTILITIES		6,615.14			
			UTILITIES		1,785.47			
			UTILITIES		210.71			
			UTILITIES		403.18			
			UTILITIES		1,594.58			
			UTILITIES		1,256.42			
			UTILITIES		876.75			
			UTILITIES		3,448.26			
		614-3	OFFICE REMODEL	12/28/2011	27.00			
	Total 2260				27,670.96	.00		
129079	CODY CAB	010311	TIPSY TAXI VOUCHERS (34)	01/03/2012	238.00			
		010912	TIPSY TAXI VOUCHERS (9)	01/09/2012	63.00			
		12/27/11	TIPSY TAXI VOUCHERS (8)	12/27/2011	56.00			

Vendor	Vendor Name	Invoice No	Description	Inv Date	Net Inv Amt	Amount Paid	Date PD	Inventory No
Total 129079					357.00	.00		
2590	CODY ENTERPRISE	123111	ADVERTISING	12/31/2011	2,953.30			
Total 2590					2,953.30	.00		
2765	CODY ROTARY CLUB	111239	DUES - MANCHESTER DUES - MANCHESTER	12/30/2011	66.75 66.75			
Total 2765					133.50	.00		
3140	COPENHAVER KATH KITCHEN P	010412	LEGAL SERVICES	01/04/2012	6,091.67			
Total 3140					6,091.67	.00		
3300	CRUM ELECTRIC	1297467-00 1298665-00	ST LIGHT REPAIRS SYSTEM REPAIRS	12/29/2011 12/29/2011	63.90 178.73			
Total 3300					242.63	.00		
123018	CUMMINS - ROCKY MT LLC	004-35391 004-35431	CUMMINS SERVICE MANUAL REPAIRS - C06	12/20/2011 12/20/2011	151.47 666.11			
Total 123018					817.58	.00		
128930	CURLESS, BARBARA	010612	MILEAGE REIMBURSEMENT	01/06/2012	18.98			
Total 128930					18.98	.00		
127015	CUSTOM GARAGE DOOR LLC	1847	EAST BAY DOOR OPENER	12/06/2011	860.00			
Total 127015					860.00	.00		
129249	CXT INC.	200771-000	RESTROOM - MEMORIAL PARK	12/13/2011	31,892.68			
Total 129249					31,892.68	.00		
3510	DECATUR ELECTRONICS, INC.	IN00001546	ANTENNA CABLES, TUNING FORKS (L	12/13/2011	5.00			
Total 3510					5.00	.00		
124006	DISCOUNT SCHOOL SUPPLY	13942800101	SUPPLIES	12/21/2011	401.71			
Total 124006					401.71	.00		
3820	DOUG ANDRUS DISTRIBUTING	8229	SALT FOR SAND	12/20/2011	3,298.96			
Total 3820					3,298.96	.00		
2630	ENERGY WEST	122311 123011	UTILITIES UTILITIES - REC CENTER UTILITIES - REC CENTER	02/23/2011 12/30/2011	296.73 3,970.40 11,911.23			
Total 2630					16,178.36	.00		
4210	FARM PLAN CORPORATION	732332 732497 735957	CREDIT FOR RETURN FREIGHT ON PARTS SNOW BLOWER SHOES I03	12/19/2011 12/19/2011 12/27/2011	88.60 12.95 92.32			

Vendor	Vendor Name	Invoice No	Description	Inv Date	Net Inv Amt	Amount Paid	Date PD	Inventory No
		736912	FILTERS - I10	12/28/2011	123.63			
		737350	CREDIT FOR WRONG PART	12/29/2011	88.60	-		
	Total 4210				228.90	.00		
126018	FASTENAL COMPANY 01WYCD	/YCDY38861	RECYCLING TRAILER BINS	12/20/2011	23.05			
		/YCDY38974	Bolts	12/28/2011	1.61			
		/YCDY39044	WATER CRANE REPAIR	01/03/2011	11.33			
	Total 126018				35.99	.00		
4330	FC ORGANIZATIONAL PRODUC	80590036	SUPPLIES	12/01/2011	87.20			
	Total 4330				87.20	.00		
126968	FINISHING TOUCH	004443	TOWING CASE 11-2555	12/29/2011	75.00			
	Total 126968				75.00	.00		
129245	FORD, JO	010412	OVERPAYMENT ON MC-1107-040	01/04/2012	100.00			
	Total 129245				100.00	.00		
127450	FORWARD CODY WYOMING, IN	010112	SPECIAL FUNDING ALLOCATION FY11	01/01/2012	6,250.00			
	Total 127450				6,250.00	.00		
4370	FREMONT MOTOR CODY INC	117514	DOOR HATCH	12/19/2011	136.72			
		117602	LOCK SET	12/22/2011	109.12			
	Total 4370				245.84	.00		
123893	GLOBAL EQUIPMENT COMPAN	104519214	SUPPLIES	12/28/2011	89.73			
	Total 123893				89.73	.00		
125939	GOODYEAR PRINTING	6300	FI CARDS	01/06/2012	198.00			
	Total 125939				198.00	.00		
12306	H B I INSURANCE	51953	BOND - ROSENCRANSE	12/25/2011	100.00			
	Total 12306				100.00	.00		
4780	HARRIS TRUCKING & CONST. C	122260	SKYLINE / W STRIP WATER PROJECT	12/19/2011	25.30			
			WATER LINE PAY EST #1 - SKYLINE DR/W STRIP W.	12/21/2011	76,841.84			
	Total 4780				76,867.14	.00		
6730	HD SUPPLY UTILITIES LTD	1891919-00	NORTH CODY	12/23/2011	3,838.72			
		1893645-00	NORTH CODY	12/23/2011	548.00			
		1893665-00	NORTH CODY	12/28/2011	1,550.00			
		1896576-00	NORTH CODY	12/29/2011	179.65			
		1896576-01	NORTH CODY	12/29/2011	20.00			
		1898027-00	NORTH CODY	12/23/2011	1,435.50			
	Total 6730				7,571.87	.00		
5000	HOLIDAY INN	140484	CONTRACTORS BOARD	12/15/2011	84.71			

Vendor	Vendor Name	Invoice No	Description	Inv Date	Net Inv Amt	Amount Paid	Date PD	Inventory No
Total 5000					84.71	.00		
129090	HOMAX OIL SALES, INC.	CL31631-IN	FUEL - REC CENTER BUS	11/30/2011	43.58			
		CL32400-IN	FUEL - ELEC DEPT	12/31/2011	885.80			
			FUEL - ELEC DEPT		812.24			
		CL32401-IN	FUEL - SENIOR CENTER	12/31/2011	1,093.60			
		CL32402-IN	FUEL - ADMIN	12/31/2011	272.80			
		CL32407-IN	FUEL - BLDG INSPEC.	12/31/2011	155.70			
		CL32410-IN	FUEL - SANITATION	12/31/2011	191.56			
			FUEL - SANITATION		5,579.28			
			FUEL - STREETS		233.88			
		CL32411-IN	FUEL - WATER DEPT	12/31/2011	590.51			
			FUEL - WATER DEPT		74.54			
			FUEL - ELEC DEPT		100.25			
		CL32412-IB	FUEL - WASTE WATER	12/31/2011	254.22			
			FUEL - WASTE WATER		262.46			
Total 129090					10,550.42	.00		
124750	HONNEN EQUIPMENT	349617	LOADER REPAIR	12/16/2011	1,656.89			
Total 124750					1,656.89	.00		
126019	I STATE TRUCK CENTER	51100296:01	HOOD LATCH & BRACKET	12/21/2011	50.52			
Total 126019					50.52	.00		
5155	I. D. EDGE	56600	CARD STOCK	12/20/2011	108.00			
Total 5155					108.00	.00		
5170	ICMA RETIREMENT-457-#303143	533104	Contributions	01/09/2012	5,254.25	5,254.25	01/09/2012	
Total 5170					5,254.25	5,254.25		
129246	INCENTIVE SOLUTIONS	20111117-29	YEARS OF SERVICE AWARDS	12/30/2011	221.67			
Total 129246					221.67	.00		
123017	INTELLIGENT PRODUCTS	135467A	MUTT MITT - RE- STOCK	12/29/2011	476.46			
Total 123017					476.46	.00		
129247	JONES, EMILY	3187029	REFUND UTILITY DEPOSIT	01/04/2012	26.72			
Total 129247					26.72	.00		
126040	KEEGAN & WINSLOW LAW FIRM	010312	PROFESSIONAL FEES	01/03/2012	135.00			
Total 126040					135.00	.00		
9029	KENCO SECURITY & TECHNOL	933408	SECURITY MONITORING - LAB	01/01/2012	79.50			
		933409	SECURITY MONIORING - SHOP	01/01/2012	23.62			
			SECURITY MONIORING - SHOP		23.62			
			SECURITY MONIORING - SHOP		23.63			
			SECURITY MONIORING - SHOP		23.63			

Vendor	Vendor Name	Invoice No	Description	Inv Date	Net Inv Amt	Amount Paid	Date PD	Inventory No
	Total 9029				174.00	.00		
124429	KIEFER	I1768004	STORE PROGRAM SUPPLIES	12/21/2011	337.46			
	Total 124429				337.46	.00		
124776	KRAMES STAYWELL, LLC	6743228	GUARD START TRAINING	12/28/2011	493.19			
	Total 124776				493.19	.00		
127743	LEGEND COMMUNICATIONS OF	118964	ADVERTISING	12/31/2011	173.40			
	Total 127743				173.40	.00		
125750	LINCOLN COMMERCIAL POOL E	SI177847	THERAPY POOL VACUUM	12/21/2011	133.99			
	Total 125750				133.99	.00		
125191	LONG BUILDING TECH INC	VCE0056554	REPAIR HEATERS - DRAW STREET	12/12/2011	408.96			
	Total 125191				408.96	.00		
6650	MIDWEST FENCE CO	29685	FENCE REPAIR - 531 15TH ST	12/16/2011	354.25			
	Total 6650				354.25	.00		
125616	MONTGOMERY CONSTRUCTION	1	PROFESSIONAL SERVICES FOR INSPECTION	12/20/2011	600.00			
	Total 125616				600.00	.00		
129243	MOORE, CARMA	14132013	REFUND UTILITY DEPOSIT	12/28/2011	29.18			
	Total 129243				29.18	.00		
6820	MOTOR PARTS INC	507110	WINDOW DE-ICER	12/01/2011	12.53			
		507112	REPAIR PARTS	12/01/2011	203.19			
		507121	SHOP SUPPLIES	12/01/2011	6.82			
		507169	REPAIR PARTS	12/01/2011	4.62			
		507171	REPAIR PARTS	12/01/2011	14.94			
		507214	REPAIR PARTS	12/02/2011	4.36			
		507218	REPAIR PARTS	12/02/2011	35.11			
		507275	REPAIR PARTS	12/02/2011	4.49			
		507403	REPAIR PARTS	12/05/2011	8.08			
			WINDOW DE-ICER		21.48			
		507433	REPAIR PARTS	12/05/2011	102.28			
		507451	REPAIR PARTS	12/05/2011	8.49			
		507466	BELT	12/05/2011	5.81			
		507543	REPAIR PARTS	12/06/2011	4.36			
		507545	REPAIR PARTS	12/06/2011	5.93			
		507576	REPAIR PARTS	12/06/2011	49.52			
		507692	REPAIR PARTS	12/07/2011	6.27			
		507706	SUPPLIES	12/07/2011	3.79			
		507791	REPAIR PARTS	12/07/2011	88.21			
		507795	CREDIT - REPAIR PARTS	12/07/2011	12.00			
		507839	REPAIR PARTS	12/08/2011	4.36			
		507857	REPAIR PARTS	12/08/2011	35.11			
		508031	REPAIR PARTS	12/09/2011	38.46			
		508174	TOOLS	12/12/2011	15.13			

Vendor	Vendor Name	Invoice No	Description	Inv Date	Net Inv Amt	Amount Paid	Date PD	Inventory No
		508179	SHOP SUPPLIES	12/12/2011	16.94			
		508268	SHOP SUPPLIES	12/13/2011	29.74			
		508403	REPAIR PARTS	12/14/2011	24.22			
		508431	REPAIR PARTS	12/14/2011	7.45			
		508486	REPAIR PARTS	12/14/2011	4.36			
		508503	REPAIR PARTS	12/14/2011	35.11			
		508582	REPAIR PARTS	12/15/2011	21.30			
		508657	REPAIR PARTS	12/16/2011	12.74			
		508813	REPAIR PARTS	12/19/2011	4.62			
		508990	REPAIR PARTS	12/20/2011	35.53			
		509051	REPAIR PARTS	12/21/2011	4.03			
		509154	REPAIR PARTS	12/22/2011	7.00			
		509430	REPAIR PARTS	12/27/2011	8.98			
		509537	REPAIR PARTS	12/28/2011	25.50			
		509545	REPAIR PARTS	12/28/2011	35.09			
		509559	REPAIR PARTS	12/28/2011	57.73			
		509639	REPAIR PARTS	12/29/2011	60.54			
		509773	B35 MIRROR REPAIR	12/30/2011	150.10			
	Total 6820				1,212.32	.00		
6840	MOTOROLA SOLUTIONS, INC.	76484173	REPAIR RPORTABLE RADIOS	12/16/2011	786.00			
	Total 6840				786.00	.00		
6930	MOUNTAIN WEST INC	022261	EMBROIDERY CHARGES	12/22/2011	9.55			
	Total 6930				9.55	.00		
6960	MUSSER BROS., INC.	122811	FINDER'S FEE: NICHOL MALL	12/28/2011	660.00			
	Total 6960				660.00	.00		
128948	NORCO, INC.	09109578	SUPPLIES	12/31/2011	10.85			
	Total 128948				10.85	.00		
7355	NORTHWEST COLLEGE	9355	MSHA TRAINING	11/14/2011	160.00			
	Total 7355				160.00	.00		
7400	NORTHWEST PIPE	1837552	2" FIP Ball Curb Stop	10/12/2011	180.68			1131-W
		1869418-1	14" MJ GASKETS	12/19/2011	39.16			
		1879999	3/4 " WATER METER PIT	12/19/2011	506.77			
		1881717	Clamp Repair 8"	12/19/2011	443.36			1031-W
	Total 7400				1,169.97	.00		
129252	PARK CO LIQUIOR DEALERS AS	253431	REC CENTER REFUND	01/06/2012	356.25			
	Total 129252				356.25	.00		
5120	PARK COUNTY ANIMAL SHELTE	010312	ANIMAL SERVICE CONTRACT PAYMENT #27 ON UTILITY PERMIT	01/03/2012	3,750.00 100.00 -			
	Total 5120				3,650.00	.00		
128493	PARK COUNTY CIRCUIT COURT	010912	CV-2010-1030	01/09/2012	262.00	262.00	01/09/2012	

Vendor	Vendor Name	Invoice No	Description	Inv Date	Net Inv Amt	Amount Paid	Date PD	Inventory No
					262.00	262.00		
7740	PARK COUNTY SHERIFF	113011	INCARCERATION - NOVEMBER	11/30/2011	1,140.00			
		123111	INCARCERATION - DECEMBER	12/31/2011	450.00			
Total 7740					1,590.00	.00		
7936	PINNACLE BANK	010412	GINGERBREAD HOUSE CONTEST	01/04/2012	165.00			
Total 7936					165.00	.00		
128149	PRO-BUILD	910958	OFFICE REMODEL	12/16/2011	92.06			
		910964	OFFICE REMODEL	12/16/2011	91.40			
		910996	OFFICE REMODEL	12/16/2011	16.80			
		911017	OFFICE REMODEL	12/17/2011	20.05			
		911018	OFFICE REMODEL	12/17/2011	83.30			
Total 128149					229.91	.00		
128033	PROVIDENT LIFE & ACCIDENT I	010412	PREMIUMS	01/04/2012	216.20	216.20	01/04/2012	
Total 128033					216.20	216.20		
129043	PUBLIC SURPLUS	123111	AUCTION FEES	12/31/2011	98.75			
Total 129043					98.75	.00		
129251	RICHARDSON, SHANE	010312	REFUND PERMIT OVERPAYMENT 92-€	01/03/2012	560.00			
Total 129251					560.00	.00		
7570	ROCKY MOUNTAIN POWER	122811	UTILITIES	12/28/2011	65.96			
			UTILITIES		1,068.86			
			UTILITIES		647.76			
Total 7570					1,782.58	.00		
8760	RON'S EXXON	0152677	FORKLIFT PROPANE	12/10/2011	22.94			
		0152978	FORKLIFT PROPANE	12/21/2011	24.05			
Total 8760					46.99	.00		
124355	SAGE CIVIL ENGINEERING	1912	SKYLINE DR / WEST STRIP WATER	12/21/2011	14,520.00			
Total 124355					14,520.00	.00		
123386	SECRETARY OF STATE	010612	NOTARY APPLICATION - JEFF SMITH	01/06/2012	30.00			
Total 123386					30.00	.00		
9130	SHOSHONE MUNICIPAL PIPELIN	010112	WATER PURCHASE - DEC 2011	01/01/2012	97,746.74			
Total 9130					97,746.74	.00		
9140	SHOSHONE OFFICE SUPPLY	0086105	CHAIR MATS FOR OFFICE	12/22/2011	306.26			
		0086223	OFFICE SUPPLIES	12/28/2011	9.79			
		0086296	SUPPLIES	01/04/2011	9.53			

Vendor	Vendor Name	Invoice No	Description	Inv Date	Net Inv Amt	Amount Paid	Date PD	Inventory No
	Total 9140				325.58	.00		
128669	STERLING CODIFIERS	12025	ANNUAL HOSITNG FEES	01/01/2012	500.00			
	Total 128669				500.00	.00		
9635	STROUPE PEST CONTROL CO	010312	PEST CONTROL - SHOP	01/03/2012	20.75			
			PEST CONTROL - SHOP		20.75			
			PEST CONTROL - SHOP		20.75			
			PEST CONTROL - SHOP		20.75			
		12-EL SHOP	PEST CONTROL - EL SHOP	01/03/2012	55.00			
	Total 9635				138.00	.00		
6240	THE UPS STORE	0912	SHIPPING	12/08/2011	5.70			
	Total 6240				5.70	.00		
128108	THOMSON REUTERS	13651030	GAAP UPDATE	12/21/2011	128.50			
		13655554	TRAINING	12/23/2011	189.50			
	Total 128108				318.00	.00		
10050	U S POST OFFICE	BOX #2200	BOX RENTAL	12/31/2011	180.00			
	Total 10050				180.00	.00		
127843	UNUM LIFE INS - LTD	010412	LONG TERM DISABILITY - PREMIUM	01/04/2012	2,343.67	2,343.67	01/04/2012	
	Total 127843				2,343.67	2,343.67		
127935	UNUM LIFE INSURANCE - LIFE	010412	PREMIUM	01/04/2012	1,341.19	1,341.19	01/04/2012	
	Total 127935				1,341.19	1,341.19		
129112	US POSTMASTER	123011	POSTAGE TO MAIL UTILITY BILLS	12/30/2011	3,700.00			
	Total 129112				3,700.00	.00		
10180	V-1 PROPANE	852024	FORK LIFT PROPANE	12/14/2011	20.45			
		852034	PROPANE - BOMB TRAILER	12/15/2011	12.87			
		852120	FORK LIFT PROPANE	12/29/2011	20.12			
	Total 10180				53.44	.00		
124442	VERIZON	1041466916	CELL PHONE SERVICE	12/20/2011	1,505.75			
			CELL PHONE SERVICE		90.06			
	Total 124442				1,595.81	.00		
10280	VISA	JAN 3444	MEETING EXPENSE - MAYOR	01/02/2012	71.10			
			MEETING EXPENSE - MAYOR		29.52			
			MEETING EXPENSE - MAYOR		29.09			
			MEETING EXPENSE - MAYOR		24.28			
			MEETING EXPENSE - MAYOR		37.98			
		JAN 8377	ICMA DUES - JENNI ROSENCRANSE	01/02/2012	760.00			
		JAN 8385	UNIFORMS - PD	01/02/2012	80.00			
			SUPPLIES - PD		19.71			

Vendor	Vendor Name	Invoice No	Description	Inv Date	Net Inv Amt	Amount Paid	Date PD	Inventory No
Total 10460					202.65	.00		
10480	WESCO DISTRIBUTION INC	609256	CABLE	12/16/2011	1,000.00			
Total 10480					1,000.00	.00		
10500	WEST PARK HOSPITAL	120211	CASE #11-2260 & #11-2376	12/02/2011	283.10			
Total 10500					283.10	.00		
10568	WESTERN ENGINEERING	2252	NORTH CODY PROJECT	12/29/2011	6,809.00			
Total 10568					6,809.00	.00		
10605	WESTERN UNITED ELECTRIC S	4017322	NORTH CODY	12/19/2011	4,214.08			
		4017703	NORTH CODY PROJECT	12/28/2011	345.40			
Total 10605					4,559.48	.00		
129248	WHITLOCK, ESTATE OF SHIRLE	16253519	UTILITY REFUND	01/06/2012	29.66			
Total 129248					29.66	.00		
10660	WOODWARD TRACTOR CO	75044	HOSE REPAIR D11	12/09/2011	18.13			
Total 10660					18.13	.00		
10670	WORKERS COMPENSATION DIV	010412	CONTRIBUTIONS	01/04/2012	12,242.56	12,242.56	01/04/2012	
			CONTRIBUTIONS		23.12	23.12	01/04/2012	
			CONTRIBUTIONS		339.04	339.04	01/04/2012	
Total 10670					12,604.72	12,604.72		
127631	WY CHILD SUPPORT #167207	010912	CHILD SUPPORT #167207/CV 1124836	01/09/2012	159.23	159.23	01/09/2012	
Total 127631					159.23	159.23		
10805	WYOMING DEPT OF TRANSPOR	0000046132	SHERIDAN AVE	12/30/2011	380.54			
Total 10805					380.54	.00		
10920	WYOMING MUNICIPAL POWER	123111	POWER PURCHASE - DEC 2011	12/31/2011	551,272.09			
Total 10920					551,272.09	.00		
10950	WYOMING RETIREMENT SYSTE	010412	CONTRIBUTIONS -	01/04/2012	58,217.79	58,217.79	01/04/2012	
Total 10950					58,217.79	58,217.79		

Total Paid: 83,057.10
 Total Unpaid: 915,316.69

Grand Total: 998,373.79

Payroll \$219,527 TOTAL = \$1,217,900.99

MEETING DATE: JANUARY 17, 2012
DEPARTMENT: ADMINISTRATIVE SERVICES
PREPARED BY: SARA WEAD, ASSISTANT
ADMINISTRATIVE SERVICE OFFICER
DEPT. DIR. APPROVAL: _____
CITY ADM. APPROVAL: _____

AGENDA ITEM SUMMARY REPORT

2011 Homeland Security Grant Agreement

ACTION TO BE TAKEN:

Approve and authorize the Mayor to sign the 2011 Homeland Security Grant agreement in the amount of \$19,294.23.

SUMMARY OF INFORMATION:

The Cody Police Department has been awarded the 2011 Federal Homeland Security Grant for Law Enforcement and Terrorism Prevention-oriented Activities in the amount of \$19,294.23.

Law Enforcement Terrorism Prevention-oriented Activities funds are dedicated towards law enforcement terrorism prevention-oriented planning, organization, training, exercise, and equipment activities.

FISCAL IMPACT

The City of Cody will receive up to \$19,294.23 through reimbursements for grant related expenses. There is no obligation to City for matching funds.

ALTERNATIVES

Not accept the award.

ATTACHMENTS

Grant agreement

AGENDA ITEM NO. _____



MATTHEW H. MEAD
Governor

THE STATE OF WYOMING

Office of Homeland Security

Telephone (307) 777-Home (4663)

Fax (307) 635-6017

Herschler Bldg., First Floor East, 122 W. 25th St., Cheyenne, Wyoming 82002

December 16, 2011

Cody Police Department
Chief Perry Rockvam
1402 River View Drive
Cody WY 82414

Dear Chief Rockvam:

I am pleased to forward Cody Police Department the grant award for the U.S. Department of Homeland Security (DHS), State Homeland Security Grant Program (SHGP), Law Enforcement and Terrorism Prevention-oriented Activities (LETPA) grant for FFY 2011. For this federal fiscal year, the State Homeland Security Program supports the implementation of State Homeland Security Strategies to address the identified planning, organization, equipment, training, and exercise needs to prevent, protect against, mitigate, respond to, and recover from acts of terrorism and other catastrophic events. In addition, SHSP supports the implementation of the *National Preparedness Guidelines*, the *National Incident Management System (NIMS)*, the *National Response Framework (NRF)* the *National Strategy for Information Sharing*, and the *National Infrastructure Protection Plan (NIPP)*.

The FFY 2011 statewide initiatives are as follows:

- (1) WYOLINK Interoperability Initiative
- (2) Wyoming Community Preparedness/Citizen Corp Program
- (3) Regional Emergency Response Teams
- (4) Wyoming Improvised Explosive Detection and Response
- (5) Wyoming Critical Infrastructure Protection/Geospatial Initiative

The overall Homeland Security Strategies, as well as the statewide initiatives, must be considered in the expenditure of grant funds for FFY 2011.

Any concerns regarding our initiatives or the governmental requirements can be directed to your respective county coordinator or the Wyoming Office of Homeland Security at 307-777-4916.

Sincerely,


Guy Cameron
Director

GC:rb

Cc: Mayor



Matthew H. Mead
Governor

Office of Homeland Security

Telephone: (307) 777-Home (4663) Fax: (307) 635-6017

Website: www.wyohomelandsecurity.state.wy.us

Herschler Bldg., First Floor East, 122 W. 25th St., Cheyenne, WY 82002

THE STATE OF WYOMING

Guy Cameron
Director

Grant Award for U.S. Department of Homeland Security (DHS) Federal Emergency Management Agency (FEMA), Grant Programs Directorate, State Homeland Security Grant Program (SHSP) Fiscal Year 2011, Law Enforcement and Terrorism Prevention-oriented Activities, (LETPA)

Political Subdivision:	Cody Police Department
Award Amount:	\$19,294.23
Award Period:	September 1, 2011 through March 31, 2014
CFDA #:	97.067
DHS Grant Code:	EMW-2011-SS-0142-S01
Project ID:	11-GPD-COD-LP-HLE11

- Parties:** The parties to this Grant Award Agreement [Grant] are the **Wyoming Office of Homeland Security**, whose principal address is Herschler Bldg, 1st Floor East, 122 West 25th Street, Cheyenne, WY 82002-0001 [Homeland Security] and **Cody Police Department**, whose mailing address 1402 River View Drive, Cody, WY 82414 [Subrecipient]..
- Contact Information:** Subrecipient's submission of required reports and forms designated herein will be made using online tools when required by the procedures and protocol of the Department of Homeland Security, State Homeland Security Grant Program. All other reports, forms, and communications regarding this Grant shall be directed to the attention of Homeland Security's designated contact person. Subrecipient must keep Homeland Security up-to-date as to the name of the person acting as Subrecipient's primary contact person for this Grant using the Point of Contact Information Form attached and incorporated herein as Attachment One, including any change of contact person, address, or telephone information. Subrecipient's primary contact person shall cooperate with any assessments, national evaluation efforts, or information or data collection requests, including, but not limited to, the provision of any information required for the assessment or evaluation of any activities within this grant. An e-mail address must be provided for the contact person and that e-mail account must be regularly checked for new messages.
- Funding Authority:** The funds Homeland Security will distribute to Subrecipient are drawn from grant funds distributed to the State of Wyoming by the Fiscal Year 2011 U.S. Department of Homeland Security (DHS), Federal Emergency Management Agency (FEMA), Homeland Security Grant Program (HSGP), as authorized by the Department of Homeland Security Appropriations Act of 2007, subject to the provisions of Public Law 108-7 (February 20, 2003).
- Term of Grant Award and Required Approvals:** This Grant is effective when all parties have executed it and all required approvals have been secured. The term of this Grant is from August 1, 2011 through March 31, 2014. The total amount of this Grant is **\$19,294.23**.

WOHS
Original Document

5. **Federal Grant References:** The Fiscal Year 2011 HSGP Program Guidelines [Program Guidelines] can be found at www.fema.gov, or www.wyohomelandsecurity.state.wy.us.
6. **Purpose of Grant Award:** The **State Homeland Security Program (SHSP)** supports the implementation of State Homeland Security Strategies to address the identified planning, organization, equipment, training, and exercise needs to prevent, protect against, respond to, and recover from acts of terrorism and other catastrophic events. In addition, SHSP supports the implementation of the *National Preparedness Guidelines*, the *National Incident Management System (NIMS)*, the *National Response Framework (NRF)* the *National Strategy for Information Sharing*, and the *National Infrastructure Protection Plan (NIPP)*.

Law Enforcement Terrorism Prevention-oriented Activities (LETPA) funds are dedicated towards law enforcement terrorism prevention-oriented planning, organization, training, exercise, and equipment activities.

7. **Payment:** Homeland Security agrees to pay Subrecipient for the services described herein during the performance period of the Grant. The total payment under this Grant shall not exceed **\$19,294.23 (nineteen thousand two hundred ninety four dollars and twenty three cents)**. No payment shall be made for services rendered outside the performance period of the grant or for activities commenced without prior approval, if prior approval is required. Payment will be made to Subrecipient by Homeland Security upon receipt and approval of a Payment Request Form, provided the expenditures comply with the FY2011 Program Guidelines, the authorized expenditures listed in Appendix A of the Program Guidelines, and all applicable federal and state laws.
8. **Responsibilities of Subrecipient:** Subrecipient agrees to and acknowledges the following limitations and special conditions:
- a. Subrecipient must be familiar with all the requirements and restrictions of the Program Guidance, including:
 - (1). Subrecipient must be familiar with the 2011 HSGP objectives and priorities identified in the FY 2011 Homeland Security Grant Program guidance which can be found at www.fema.gov, or www.wyohomelandsecurity.state.wy.us.
 - (2). Subrecipient agrees that all allocations and use of funds under this grant will be in accordance with the FY 2011 Homeland Security Grant Program (HSGP) Guidance and Application Kit. Allocations and use of grant funding must support the goals and objectives included in the State and/or Urban Area Homeland Security Strategies. Allocations and use of grant funding must also support the Investments identified in the Investment Justifications which were submitted as part of the FY 2011 application. Subrecipient may not use this grant funding to purchase equipment not specifically authorized in the Program Guidelines unless the proposed acquisition is reviewed by Homeland Security and approved by DHS in writing prior to purchase.
 - (3). Subrecipient agrees to comply with the exercise and evaluation requirements set forth in the current edition of the U.S. Department of Homeland Security (DHS), Office for Domestic Preparedness (ODP), Fiscal Year 2011 Homeland Security Exercise and Evaluation Program (HSEEP) guidance.
 - (4). Subrecipient agrees to comply with the financial and administrative requirements set

forth in the current edition of the Office of Grant Operations Financial Management Guide.

- (5) Subrecipient agrees to comply with the organizational audit requirements of OMB Circular A-133, Audits of States and Local Governments, and Non-Profit Organizations.
- (6) Subrecipient further agrees to comply with the standards put forth in OMB Circular A-87, Cost Principles for State, Local, and Indian Tribal Governments.
- (7) Subrecipient may use its own procurement procedures, provided its procurement process conforms to applicable federal and state laws and the standards identified in OMB Circular A-102. All sole-source procurement in excess of \$10,000 must receive prior approval of Homeland Security. Contractors must develop or draft specifications, requirements, statements of work, and/or Requests for Proposals (RFPs) for a proposed procurement to be excluded from the competitive bidding requirements. Any request for exemption must be submitted to Homeland Security and approved by the Grants Program Directorate in writing prior to obligation or expenditure of such funds.
- (8) Subrecipient shall ensure all equipment purchased with these grant funds is maintained and available for response to terrorist incidents. Subrecipient agrees that, when practicable, any equipment or supplies purchased with grant funding shall be prominently marked as follows: **“Purchased with funds provided by the U.S. Department of Homeland Security and administered by the Wyoming Office of Homeland Security.”** Subrecipient agrees that all publications created with funding under this Grant shall prominently contain the following statement: “This document was prepared under a grant from the FEMA’s National Preparedness Directorate, U.S. Department of Homeland Security administered by the Wyoming Office of Homeland Security (WOHS). Points of view or opinions expressed in this document are those of the authors and do not necessarily represent the official position or policies of FEMA’s National Preparedness Directorate of the U.S. Department of Homeland Security, the State of Wyoming or WOHS.” Additionally, Subrecipient acknowledges that DHS/FEMA and Homeland Security reserve a royalty-free, non-exclusive, and irrevocable license to reproduce, publish, or otherwise use, and authorize others to use, for federal and Wyoming state government purposes: (1) the copyright in any work developed under this Grant; and (2) any rights of copyright to which Subrecipient purchases ownership under this Grant. Subrecipient must consult with DHS/FEMA and WOHS regarding any patent rights that arise from, or are purchased with, this Grant.
- (9) Subrecipient may be monitored periodically by the staff of Homeland Security, DHS/FEMA, or GPD, and/or the authorized contractors thereof, to ensure the program goals, objectives, timelines, budgets and other related Grant criteria are being met.
- (10) Subrecipient agrees to cooperate with any assessments, national evaluation efforts and requests for information or data including, but not limited to, information required for the assessment or evaluation of activities within this Grant.
- (11) The Subrecipient agrees that federal funds under this award will be used to supplement but not supplant state or local funds.
- (12) Subrecipient understands and agrees that it cannot use any federal funds, either directly or

indirectly, in support of the enactment, repeal, modification or adoption of any law, regulation or policy, at any level of government, without the express prior written approval of the Office of Grants and Training.

- (13) When implementing NPD-funded activities, the Subrecipient must comply with all federal civil rights laws, to include Title VI of the Civil Rights Act, as amended. The recipient is required to take reasonable steps to ensure persons of limited English proficiency have meaningful access to language assistance services regarding the development of proposals and budgets and conducting NPD-funded activities.
 - (14) The Subrecipient may only fund Investments that were included in the FY 2011 Investment Justification that was submitted to DHS and evaluated through the peer review process.
 - (15) Subrecipient is prohibited from transferring funds between programs (State Homeland Security Program, Urban Area Security Initiative, Citizen Corps Program, and Metropolitan Medical Response System).
 - (16) Subrecipient shall comply with all applicable “Federal, State, and local environmental and historic preservation (EHP) requirements and shall provide any information requested by FEMA to ensure compliance with applicable laws including: National Environmental Policy Act, National Historic Preservation Act, Endangered Species Act, and Executive Orders on Floodplains (11988), Wetlands (11990) and Environmental Justice (12898).” Failure of the Subrecipient to meet federal, state and local EHP requirements and obtain applicable permits may jeopardize federal funding. Subrecipient shall not undertake any project having the potential to impact EHP resources without the prior approval of FEMA, including but not limited to communications towers, physical security enhancements, new construction, and modifications to buildings that are 50 years old or greater. Subrecipient must comply with all conditions placed on the project as the result of the EHP review. Any change to the approved project scope of work will require re-evaluation for compliance with these EHP requirements. If ground disturbing activities occur during project implementation, the recipient must ensure monitoring of ground disturbance and if any potential archeological resources are discovered, the recipient will immediately cease construction in that area and notify FEMA and the appropriate State Historic Preservation Office.
- b. This Grant cannot be changed or altered in any way without prior written authorization from Homeland Security.
 - c. Subrecipient may not commingle or transfer funds under this Grant with the funds of any other state or federal grants.
 - d. As mandated by Homeland Security Presidential Directive/HSPD-5 (HSPD-5) and the Program Guidelines, Subrecipient shall update and/or modify their operational plans, and training and exercise activities, as necessary, to achieve conformance with the NRP and the NIMS implementation guidelines. If applicable, Subrecipient shall ensure that EMPG strategic goals, objectives, operational capabilities, and resource requirements adequately incorporate and reflect the State Homeland Security Strategy. Subrecipient must coordinate EMPG program strategic goals and objectives with State Operational Plans and Procedures.

- e. State, local, and tribal entities shall be fully compliant with NIMS (National Incident Management) by the end of FY 2006 (September 30, 2006). Entities will be required to meet the FY 2009 NIMS implementation requirements as a condition of receiving federal preparedness funding assistance in FY 2009.
- f. State Initiatives focus on building and sustaining programs and capabilities within and across state boundaries, while aligning with the Goal and National Priorities. Capabilities should be strategically located to maximize the return on preparedness investments, and all available funding sources (federal, state, local, and private) should contribute to building and sustaining these capabilities. Grant funds shall be expended on any or all of the following FY 2011 State Initiatives:
 - (1) WYOLINK Interoperability Initiative
 - (2) Wyoming Community Preparedness/Citizen Corp Program
 - (3) Regional Response Teams
 - (4) Wyoming Improvised Explosive Detection and Response
 - (5) Wyoming Critical Infrastructure Protection/Geospatial Initiative
- g. **Subrecipient's quarterly progress reports through March 31, June 30, September 30, and December 31 must be submitted to the Wyoming Office of Homeland Security by April 10, July 10, October 10, and January 10, respectively. Quarterly reports will cover all items listed in the Program Guidelines on page 6. Quarterly report forms will be located on the WOHS website at: <http://wyohomelandsecurity.state.wy.us>**

9. Responsibilities of Homeland Security:

- a. Homeland Security will be available to provide necessary and feasible technical advice, which may be reasonably required by Subrecipient.
- b. Homeland Security will pay Subrecipient as stated in paragraph 7 above.
- c. Homeland Security shall notify Subrecipient of any state or federal determination of noncompliance. Homeland Security will provide Subrecipient written notice of intent to impose immediate measures and will make reasonable efforts to resolve the problem informally.
- d. Homeland Security shall notify Subrecipient at the earliest possible time of the services, which may be affected by a shortage of funds.
- e. Homeland Security shall notify Subrecipient of information and updates received from FEMA or other federal agencies, which may affect or otherwise restrict the availability of funds awarded to Subrecipient herein.

10. Special Provisions:

- a. **Assumption of Risk:** Subrecipient shall assume the risk of any loss of state or federal funding, either administrative or program dollars, due to Subrecipient's failure to comply with state or federal requirements.
- b. **Cost Principles:** Subrecipient agrees to comply with the standards set forth in OMB Circular A-87, Cost Principles for State, Local, and Indian Tribal Governments (2 CFR § Part 225).
- c. **Debarment or Suspension:** By signing this agreement, Subrecipient certifies that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any federal department or agency in accordance with Executive Order 12549, Debarment and Suspension and CFR 44 § Part 17 or are on the disbarred vendors list at www.epls.gov.
- d. **Disadvantaged Business Requirement:** To the extent Subrecipients use contractors or subcontractors, such subrecipients shall use small, minority, women-owned or disadvantaged

- business concerns and contractors or subcontractors to the extent practicable.
- e. **Drug-Free Workplace:** The Subrecipient shall certify that a drug-free workplace is maintained in accordance with the Drug-Free Workplace Act of 1988, and implemented at 44 CFR § Part 17, Subpart F.
 - f. **Duplication of Benefits:** There may not be a duplication of any federal assistance, per A-97, Basic Guidelines Section C.3 (c), which states: Any costs allocable to a particular Federal award or cost objective under the principles provided for in this Circular may not be charged to other federal awards to overcome fund deficiencies, to avoid restrictions imposed by law or terms of the federal awards, or for other reasons. However, this prohibition would not preclude governmental units from shifting costs allowable under two or more awards in accordance with existing program agreements.
 - g. **Environmental and Historic Preservation Requirements:** Subrecipient shall comply with all applicable federal, state, and local environmental and historic preservation (EHP) requirements and shall provide any information requested by the State or FEMA to ensure compliance with applicable laws including: National Environmental Policy Act, National Historic Preservation Act, Endangered Species Act, and Executive Orders on Floodplains (11988), Wetlands (11990) and Environmental Justice (12898). Failure of the subrecipient to meet federal, state, and local EHP requirements and obtain applicable permits may jeopardize federal funding. Subrecipient shall not undertake any project having the potential to impact EHP resources without the prior approval of the State and FEMA, including but not limited to communications towers, physical security enhancements, new construction, and modifications to buildings, structures, and objects that are 50 years old or greater. Subrecipient must comply with all conditions placed on the project as the result of the EHP review. Any change to the approved project scope of work will require re-evaluation for compliance with these EHP requirements. If ground disturbing activities occur during project implementation, the subrecipient must ensure monitoring of ground disturbance and if any potential archeological resources are discovered, the subrecipient will immediately cease construction and notify the State and FEMA and the appropriate State Historic Preservation Office. **Any construction activities that have been initiated without the necessary EHP review and approval will result in a non-compliance finding and will not be eligible for FEMA funding.** Additional information can be found at <http://ojp.usdoj.gov/odp/docs/info271.pdf> and <http://www.fema.gov/plan/ehp/ehp-applicant-help.shtm>.
 - h. **Financial and Compliance Audit Report:** Subrecipients that expend an aggregate amount of \$500,000 or more in federal funds during their fiscal year are required to undergo an organization-wide financial and compliance single audit. Subrecipient agrees to comply with the organizational audit requirements of the U.S. General Accounting Office Government Auditing Standards and OMB Circular A-133, Audits of States, Local Governments, and Non-Profit Organizations. Audit reports are currently due to the Federal Audit Clearinghouse no later than nine months after the end of the recipient's fiscal year. Subrecipient shall retain financial records and all other documentation as specified in the Financial Guide. Subrecipient shall give Homeland Security or the Comptroller General, through any authorized representative, access to and the right to examine all records, books, papers or documents related to this Grant. Subrecipient shall provide one (1) copy of the audit report to Homeland Security and require release of the audit report by its auditor be held until adjusting entries are disclosed and made to Homeland Security's records. Subrecipient shall provide Homeland Security one (1) copy of all other audits performed which cover any part of this Grant.
 - i. **Freedom of Information Act:** Information submitted in the course of applying for funding or provided in the course of grant management activities, may be considered law enforcement sensitive or otherwise important to national security interests. While this information is subject to requests made pursuant to the Freedom of Information Act, 5 U.S.C. §552, all determinations

concerning the release of information of this nature are made on a case-by-case basis by the DHS FOIA Office. Subrecipient should consult State and local laws and regulations regarding the release of information. Subrecipient should be familiar with the regulations governing protected critical infrastructure information, 6 CFR § Part 29, and sensitive security information, 49 CFR § Part 1520, as these designations may provide additional protection to certain classes of homeland security information.

- j. **Human Trafficking:** As required by 22 U.S.C. 7104(g) and 2 CFR § Part 175, this agreement may be terminated without penalty if a private entity that receives funds under this agreement:
- (1) Engages in severe forms of trafficking in persons during the period of time that the award is in effect;
 - (2) Procures a commercial sex act during the period of time that the award is in effect; or
 - (3) Uses forced labor in the performance of the award or subawards under the award.
- k. **Individuals with Disabilities in Emergency Preparedness:** In accordance with Executive Order #13347, *Individuals with Disabilities in Emergency Preparedness*, signed July 2004, Subrecipient is encouraged to use funding for activities that integrate people with disabilities into their planning and response processes. Further guidance is available at <http://www.fema.gov/pdf/media/2008/301.pdf>; <http://www.LLIS.gov>; <http://www.fema.gov/oer/reference/>; <http://www.disabilitypreparedness.gov>.
- l. **Kickbacks:** Subrecipient certifies and warrants that no gratuities, kickbacks or contingency fees were paid in connection with this Grant, nor were any fees, commissions, gifts, or other considerations made contingent upon the award of this Grant. If Subrecipient breaches or violates this warranty, Homeland Security may, at its discretion, terminate this Grant without liability to Homeland Security, or deduct from this Grant price or consideration, or otherwise recover, the full amount of any commission, percentage, brokerage, or contingency fee.
- m. **Limitations on Lobbying Activities:** By signing this agreement, Subrecipient agrees that, in accordance with Public Law 101-121, payments made from a federal grant shall not be utilized by Subrecipient in connection with lobbying Congressmen, or any other federal agency in connection with the award of a federal grant, contract, cooperative agreement, or loan. Further, Subrecipient may not use any federal funds, either directly or indirectly, to support the enactment, repeal, modification or adoption of any law, regulation or policy, at any level of government.
- n. **Limited English Proficient (LEP) Persons:** Subrecipient must certify that Limited English Proficiency Persons have meaningful access to the services under this program. National origin discrimination includes discrimination on the basis of limited English proficiency (LEP). To ensure compliance with Title VI of the Civil Rights Act of 1964, as amended, subrecipients are required to take reasonable steps to ensure that LEP persons have meaningful access to their programs. Meaningful access may entail providing language assistance services, including oral and written translation when necessary. The guidance document can be accessed at www.lep.gov.
- o. **Monitoring Activities:** Homeland Security shall have the right to monitor all Grant related activities of Subrecipient. This shall include, but not be limited to, the right to make site inspections at any time, to bring experts and consultants on site to examine or evaluate completed work or work in progress, and to observe all Subrecipient personnel in every phase of performance of Grant related work.
- p. **National Preparedness Reporting Compliance:** Subrecipients must agree to cooperate with any assessments, national evaluation efforts, or information or data collection requests, including, but not limited to, the provision of any information required for the assessment or evaluation of any activities within their grant agreement. This includes any assessments, audits, or investigations conducted by the Department of Homeland Security, Office of Inspector General, or the Government Accountability Office.

- q. **No Finder's Fees:** No finder's fee, employment agency fee, or other such fee related to the procurement of this Grant, shall be paid by either party.
- r. **Nondiscrimination:** Subrecipient shall comply with all state and federal civil rights laws, to include Title VI of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000 *et. seq.*), the Wyoming Fair Employment Practices Act (Wyo. Stat. § 27-9-105 *et. seq.*), the Americans With Disabilities Act, (42 U.S.C. 12101 *et. seq.*), Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), Title IX of the Education Amendments of 1972, as amended (20 U.S.C. 1681 *et. seq.*) and the Age Discrimination Act of 1975, as amended (20 U.S.C. 6101 *et. seq.*). Subrecipient shall not discriminate against any individual on the grounds of age, sex, color, race, religion, national origin or disability in connection with the performance of this Grant.
- s. **Non-Supplanting Certification:** Subrecipient hereby affirms that Grant funds will be used to supplement existing funds, and will not replace (supplant) funds that have been appropriated for the same purpose. Subrecipient should be able to document that any reduction in non-federal resources occurred for reasons other than the receipt or expected receipt of federal funds under this agreement.
- t. **Program Income:** Subrecipient shall not deposit funds in an interest-bearing account without prior approval by Homeland Security. Income attributable to the Grant shall be reported to Homeland Security. Any income attributable to the grant funds distributed under this agreement must be used to increase the scope of the program or returned to Homeland Security.
- u. **Records Retention:** Subrecipient shall retain financial records and all other documentation for a minimum of three (3) years following the close of the Grant or audit. Subrecipient will give Wyoming Office of Homeland Security and any of its representatives, access to all books, documents, papers, and records which are pertinent to this Grant.
- v. **Technology Requirements:**
 - (a) FEMA requires all grantees to use the latest National Information Exchange Model (NIEM) specification and guidelines regarding the use of Extensible Markup Language (XML) for all grant awards. Further information about the required use of NIEM specifications and guidelines is available at <http://www.niem.gov>.
 - (b) FEMA requires any information technology system funded or supported by these funds comply with 28 CFR § Part 23, Criminal Intelligence Systems Operating Policies, if this regulation is determined to be applicable.
 - (c) Subrecipients are encouraged to align any geospatial activities with the guidance available on the FEMA website at <http://www.fema.gov/grants>.

11. General Provisions:

- a. **Amendments:** Any changes, modifications, revisions or amendments to this Grant which are mutually agreed upon by the parties to this Grant shall be incorporated by written instrument, executed and signed by all parties to this Grant.
- b. **Applicable Law/Venue:** The laws of the State of Wyoming shall govern the construction, interpretation and enforcement of this Grant. The courts of the State of Wyoming shall have jurisdiction over this Grant and the parties, and the venue shall be the First Judicial District, Laramie County, Wyoming.
- c. **Assignment/Grant Not Used as Collateral:** Neither party shall assign or otherwise transfer any of the rights or delegate any of the duties set forth in this Grant without the prior written consent of the other party. Subrecipient may not use this Grant, or any portion thereof, for collateral for any financial obligation without the prior written permission of Homeland Security.
- d. **Availability of Funds:** Each payment obligation of Homeland Security is conditioned upon the availability of government funds, which are appropriated or allocated for the payment of this obligation. If funds are not allocated and available for the continuance of the services performed

by Subrecipient, Homeland Security may terminate this Grant at the end of the period for which the funds are available. No penalty shall accrue to Homeland Security in the event this provision is exercised, and Homeland Security shall not be obligated or liable for any future payments due or for any damages as a result of termination under this section. This provision shall not be construed to permit Homeland Security to terminate this Grant to acquire similar services from another party.

- e. **Award of Related Contracts:** Homeland Security may undertake or award supplemental or successor contracts for work related to this Grant. Subrecipient shall cooperate fully with other subrecipients, contractors and Homeland Security in all such cases.
- f. **Compliance with Law:** The Subrecipient shall keep informed of and comply with all applicable federal, tribal, state and local laws and regulations in the performance of the agreement.
- g. **Confidentiality of Information:** Notwithstanding the release of records as required by the Wyoming Public Records Act, Wyo. Stat. § 16-4-201 *et seq.*, all documents, data compilations, reports, computer programs, photographs, and any other work provided to or produced by Subrecipient, exclusive to the performance of this Grant, shall be kept confidential by Subrecipient unless written permission is granted by Homeland Security for its release.
- h. **Conflicts of Interest:** Subrecipient shall immediately notify Homeland Security of any potential or actual conflicts of interest arising during the course of Subrecipient's performance under this Grant. This Grant may be terminated in the event Homeland Security discovers an undisclosed conflict of interest. Termination of this Grant will be subject to a mutual settlement of accounts.
- i. **Entirety of Grant:** This Grant, consisting of eleven (11) pages plus Attachment One, Point-of-Contact Information Form, consisting of one (1) page; which is attached and incorporation herein; represent the entire and integrated agreement between the parties and supersedes all prior negotiations, representations, and agreements, whether written or oral.
- j. **Ethics:** Subrecipient shall keep informed of and comply with the Wyoming Ethics and Disclosure Act (Wyo. Stat. § 9-13-101, *et seq.*), and any and all ethical standards governing Subrecipient's profession.
- k. **Force Majeure:** Neither party shall be liable for failure to perform under this Grant if such failure to perform arises out of causes beyond the control and without the fault or negligence of the nonperforming party. Such causes may include, but are not limited to, acts of God or the public enemy, fires, floods, epidemics, quarantine restrictions, freight embargoes, and unusually severe weather. This provision shall become effective only if the party failing to perform immediately notifies the other party of the extent and nature of the problem, limits delay in performance to that required by the event, and takes all reasonable steps to minimize delays. This provision shall not be effective unless the failure to perform is beyond the control and without the fault or negligence of the nonperforming party.
- l. **Indemnification:** Each party to this agreement shall be responsible for any liability arising from its own conduct. Neither party agrees to insure, defend or indemnify the other.
- m. **Independent Subrecipient:** Subrecipient shall function as an independent contractor for the purposes of this Grant, and Subrecipient or its agents and/or employees shall not be considered employees of the State of Wyoming for any purpose. Subrecipient shall assume sole responsibility for any debts or liabilities that may be incurred by Subrecipient in fulfilling the terms of this Grant, and shall be solely responsible for the payment of all Federal, State and local taxes which may accrue because of this Grant. Nothing in this Grant shall be interpreted as authorizing Subrecipient or its agents and/or employees to act as an agent or representative for or on behalf of the State of Wyoming or Homeland Security, or to incur any obligation of any kind on the behalf of the State of Wyoming or Homeland Security. Subrecipient agrees that no health/hospitalization benefits, workers' compensation and/or similar benefits available to State of Wyoming employees will inure to the benefit of Subrecipient or its agents and/or employees as a result of this Grant.

- n. **Modifying Grant:** Nothing in this Grant document, or any other guidance from Homeland Security, shall be interpreted to modify, change, or supersede pertinent State statutes and regulations, or federal grant guidance, rules, regulations, and statutes.
- o. **Notices:** All notices arising out of, or from, the provisions of this Grant shall be in writing and given to the parties using the contact information provided in paragraph 2, or as subsequently updated, either by regular mail, facsimile, e-mail, or delivery in person.
- p. **Patent or Copyright Protection:** Subrecipient recognizes that certain proprietary matters or techniques may be subject to patent, trademark, copyright, license or other similar restrictions, and warrants that no work performed by Subrecipient will violate any such restriction.
- q. **Prior Approval:** This Grant shall not be binding upon either party, no services shall be performed under the terms of this Grant, and the Wyoming State Auditor shall not draw warrants for payment on this Grant, until this Grant has been reduced to writing, approved as to form by the Office of the Attorney General, filed with and approved by A&I Procurement, and approved by the Governor of the State of Wyoming or his designee if required by Wyo. Stat. § 9-2-1016(b)(iv)(D).
- r. **Severability:** Should any portion of this Grant be judicially determined to be illegal or unenforceable, the remainder of the Grant shall continue in full force and effect, and either party may renegotiate the terms affected by the severance.
- s. **Sovereign Immunity:** The State of Wyoming and Homeland Security do not waive sovereign immunity by entering into this Grant and specifically retain immunity and all defenses available to them as sovereigns pursuant to Wyo. Stat. § 1-39-104(a) and all other state law. Subrecipient retains all immunities and defenses provided by law including Wyo. Stat. § 1-39-101 *et seq.*
- t. **Taxes:** Subrecipient shall pay all taxes and other such amounts required by federal, state and local law, including but not limited to federal and social security taxes, workers' compensation, unemployment insurance and sales taxes.
- u. **Termination of Grant Award:** This Grant may be terminated upon mutual agreement by Homeland Security and Subrecipient and subject to settlement of all accounts. Grant funding may be suspended or terminated for cause if Subrecipient fails to perform in accordance with the terms of this Grant, including: failure to make satisfactory progress, failure to follow the requirements herein, failure to submit the required reports, and false certification in any report or other document. Homeland Security will provide Subrecipient written notice of intent to impose immediate measures and will make reasonable efforts to resolve the problem informally without termination.
- v. **Third Party Beneficiary Rights:** The parties do not intend to create in any other individual or entity the status of third party beneficiary, and this Grant shall not be construed so as to create such status. The rights, duties and obligations contained in this Grant shall operate only between the parties to this Grant, and shall inure solely to the benefit of the parties to this Grant. The provisions of this Grant are intended only to assist the parties in determining and performing their obligations under this Grant. The parties to this Grant intend and expressly agree that only parties signatory to this Grant shall have any legal or equitable right to seek to enforce this Grant, to seek any remedy arising out of a party's performance or failure to perform any term or condition of this Grant, or to bring an action for the breach of this Grant.
- w. **Time is of the Essence:** Time is of the essence in all provisions of this Grant.
- x. **Titles Not Controlling:** Titles of paragraphs are for reference only, and shall not be used to construe the language in this Grant.
- y. **Waiver:** The waiver of any breach of any term or condition in this Grant shall not be deemed a waiver of any prior or subsequent breach.

“THIS SPACE INTENTIONALLY LEFT BLANK”

12. Signature: By signing this Grant, the parties certify that they have read and understood it, that they agree to be bound by the terms of the Grant and that they have the authority to sign it.

The effective date of this Grant is the date of the signature last affixed to this page.

HOMELAND SECURITY

Guy Cameron, Director _____
Date

TOWN OF CODY

Ms. Nancy Tia Brown _____
Date
Mayor

Police Chief Perry Rockvam _____
Date

Attested by: City/Town Clerk _____
Date

Approved as to Form:

City/County Attorney _____
Date

ATTORNEY GENERAL'S OFFICE APPROVAL AS TO FORM

S. Jane Caton # 82045 12-6-11
S. Jane Caton, Senior Assistant Attorney General Date

- Attachments:
1. Point of Contact Information Form.

WOHS
Original Document



Point-of-Contact Information Form:

Date Submitted:

Return to:

**Wyoming Office of Homeland Security
 Attn: Robin Benitz/Lynn Budd
 Fax: (307) 635-6017
 Herschler Building, 1st Floor East
 122 W. 25th Street
 Cheyenne WY, 82002**

Jurisdiction:	Cody Police Department		
Change from Previous:	Yes		No
Name:			
Title:			
Address:			
Address:			
City:			
ZIP:			
E-Mail:			
Work Phone:			
Cell Phone:			
Fax:			

MEETING DATE: JANUARY 17, 2012
DEPARTMENT: PARKS AND RECREATION
PREPARED BY: RICK MANCHESTER
PRESENTED BY: RICK MANCHESTER

AGENDA ITEM SUMMARY REPORT

BLM Right of Way Application

ACTION TO BE TAKEN:

On behalf of the City Council, authorize the Parks, Recreation, and Public Facilities Director to submit a right of way application to the Bureau of Land Management (BLM) for the installation and maintenance of a trail system on the BLM land south of Beck Lake Park. Approve the Mayor signing a letter indicating local approval for the ROW Application submittal.

Further authorize the Director to submit minor modification requests to BLM that do not require financial commitments from the City as needed due issues such as sub surface conditions that affect building or repairing trails.

SUMMARY OF INFORMATION:

For several years the City has been trying to plan and develop BLM land south of Beck Lake Park. The City supported the development of a conceptual plan for a mountain bike park and trail system. The trail portion of the plan is on BLM property and requires a right of way grant from the BLM prior to making improvements or repairs on BLM property.

After reviewing the map and determining property ownership, the conceptual plan developed land that is currently owned by the City for a mountain bike park. The trail system will not secure the entire 540 acres but it will secure 3.44 acres of land for the trail system. The grant will provide ROW for up to 20 years.

The ROW application and conceptual plan identifies area that can be used for disc golf, off-leash dog space, and possibly a paint ball area. These improvements will require amendments to the ROW grant and approval from BLM.

FISCAL IMPACT

The consultant estimates for construction of trails, pump tracks, jump lines, and gravity pump line is in the range of \$142,218-\$213,327 for trail construction and \$57,024-\$85,536 for bike park specialty features. There are still many unknowns so these numbers will have to be monitored and updated based on the scope, use of volunteers, and current construction environment. The City will pursue grants, sponsors, and volunteers to assist the construction and maintenance of the facilities.

AGENDA ITEM NO. _____

If the ROW Application is granted, volunteer labor could begin work on repairing existing trails and constructing new trails with little or no City funding. The City could provide in-kind contributions of equipment and occasional labor in more technical areas.

ALTERNATIVES

1. Do not apply for the Right of Way grant and do not build or repair trails on the BLM land south of Beck Lake Park. The mountain bike skill parks could still be constructed without BLM approval since they are on City owned property.

ATTACHMENTS

1. IMBA Conceptual Plan
2. BLM Right of Way application and Cover letter
3. BLM Plan of Development (Item 7 from ROW Application)
4. BLM Plan of Development Trail map

AGENDA & SUMMARY REPORT TO:

Duane Feick
Cody Field Office
1002 Blackburn Street
Cody WY 82414

AGENDA ITEM NO. _____

January 17, 2012

12-002

Duane Feick
Cody Field Office
1002 Blackburn Street
Cody WY 82414

RE: Local Government Approval of Right of Way (ROW) Application

Mr. Feick,

On behalf of the City of Cody we are pleased to submit this ROW application for BLM land south of Beck Lake Park. The City Council on January 17th, 2012 approved signing and sending this approval letter and application for your consideration.

If there are any minor changes to the application for non substantive purposes based on a need to move trails due to issues such as sub surface conditions, then Rick Manchester, Parks Recreation and Public Facilities Director has been authorized to submit those requests to your office.

Included in this packet is the ROW application, trail and area map, and conceptual plan. If you have any questions regarding the application please contact Rick Manchester by calling 527-3484 or through email to RickM@cityofcody.com.

Sincerely,

Nancy Tia Brown, Mayor
City of Cody

CC: Jenni Rosencranse, City Administrator
Rick Manchester, Director Parks Recreation and Public Facilities

**APPLICATION FOR TRANSPORTATION AND
 UTILITY SYSTEMS AND FACILITIES
 ON FEDERAL LANDS**

FORM APPROVED
 OMB NO. 1004-0189
 Expires: April 30, 2012

FOR AGENCY USE ONLY

NOTE: Before completing and filing the application, the applicant should completely review this package and schedule a preapplication meeting with representatives of the agency responsible for processing the application. Each agency may have specific and unique requirements to be met in preparing and processing the application. Many times, with the help of the agency representative, the application can be completed at the preapplication meeting.

Application Number
Date filed

<p>1. Name and address of applicant <i>(include zip code)</i></p> <p>City of Cody c/o Rick Manchester, Director 1338 Rumsey Ave. PO Box 2200 Cody WY 82414</p>	<p>2. Name, title, and address of authorized agent if different from Item 1 <i>(include zip code)</i></p> <p>Nancy Tia Brown, Mayor 1338 Rumsey Ave. PO Box 2200 Cody WY 82414</p>	<p>3. TELEPHONE <i>(area code)</i></p> <p>Applicant 307-527-3498</p> <p>Authorized Agent Mayor Nancy Tia Brown</p>
<p>4. As applicant are you? <i>(check one)</i></p> <p>a. <input type="checkbox"/> Individual b. <input type="checkbox"/> Corporation* c. <input type="checkbox"/> Partnership/Association* d. <input type="checkbox"/> State Government/State Agency e. <input checked="" type="checkbox"/> Local Government f. <input type="checkbox"/> Federal Agency</p> <p><i>* If checked, complete supplemental page</i></p>	<p>5. Specify what application is for: <i>(check one)</i></p> <p>a. <input checked="" type="checkbox"/> New authorization b. <input type="checkbox"/> Renewing existing authorization No. c. <input type="checkbox"/> Amend existing authorization No. d. <input type="checkbox"/> Assign existing authorization No. e. <input type="checkbox"/> Existing use for which no authorization has been received* f. <input type="checkbox"/> Other*</p> <p><i>*If checked provide details under Item 7</i></p>	

6. If an individual, or partnership are you a citizen(s) of the United States? Yes No

7. Project description *(describe in detail):* (a) Type of system or facility, *(e.g., canal, pipeline, road);* (b) related structures and facilities; (c) physical specifications *(length, width, grading, etc.);* (d) term of years needed; (e) time of year of use or operation; (f) Volume or amount of product to be transported; (g) duration and timing of construction; and (h) temporary work areas needed for construction *(Attach additional sheets, if additional space is needed.)*

See attachment 1, Plan of development

8. Attach a map covering area and show location of project proposal

9. State or local government approval: Attached Applied for Not required

10. Nonreturnable application fee. Attached Not required

11. Does project cross international boundary or affect international waterways? Yes No *(If "yes," indicate on map)*

12. Give statement of your technical and financial capability to construct, operate, maintain, and terminate system for which authorization is being requested.

We are technically and financially capable of completing the project described in this application.

13a. Describe other reasonable alternative routes and modes considered.

There are not any alternatives for a facility of this nature due to the cost and availability of acquiring the required amount of private land.

b. Why were these alternatives not selected?

c. Give explanation as to why it is necessary to cross Federal Lands

14. List authorizations and pending applications filed for similar projects which may provide information to the authorizing agency. (Specify number, date, code, or name)

**Green River, Wyoming
Hailey, Idaho**

15. Provide statement of need for project, including the economic feasibility and items such as: (a) cost of proposal (construction, operation, and maintenance); (b) estimated cost of next best alternative; and (c) expected public benefits.

NA

16. Describe probable effects on the population in the area, including the social and economic aspects, and the rural lifestyles.

Cody is known as the "Gateway to Yellowstone" and during the summer it sees significant visitation from vacationers traveling to the National Park. Interpretation of the region's rich cultural history is available at the Buffalo Bill Historical Center downtown. As the largest historical museum west of the Mississippi it serves as a draw for tourists to round out their Old West experience. For the trail enthusiast, the immediate vicinity of Cody is blessed with a wealth of trails for bicycling, hiking, equestrian, and motorized use.

17. Describe likely environmental effects that the proposed project will have on: (a) air quality; (b) visual impact; (c) surface and ground water quality and quantity; (d) the control or structural change on any stream or other body of water; (e) existing noise levels; and (f) the surface of the land, including vegetation, permafrost, soil, and soil stability.

NA

18. Describe the probable effects that the proposed project will have on (a) populations of fish, plantlife, wildlife, and marine life, including threatened and endangered species; and (b) marine mammals, including hunting, capturing, collecting, or killing these animals.

NA

19. State whether any hazardous material, as defined in this paragraph, will be used, produced, transported or stored on or within the right-of-way or any of the right-of-way facilities, or used in the construction, operation, maintenance or termination of the right-of-way or any of its facilities. "Hazardous material" means any substance, pollutant or contaminant that is listed as hazardous under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, 42 U.S.C. 9601 et seq., and its regulations. The definition of hazardous substances under CERCLA includes any "hazardous waste" as defined in the Resource Conservation and Recovery Act of 1976 (RCRA), as amended, 42 U.S.C. 9601 et seq., and its regulations. The term hazardous materials also includes any nuclear or byproduct material as defined by the Atomic Energy Act of 1954, as amended, 42 U.S.C. 2011 et seq. The term does not include petroleum, including crude oil or any fraction thereof that is not otherwise specifically listed or designated as a hazardous substance under CERCLA Section 101(14), 42 U.S.C. 9601(14), nor does the term include natural gas.

No hazardous materials will be used within the right of way.

20. Name all the Department(s)/Agency(ies) where this application is being filed.

BLM

I HEREBY CERTIFY, That I am of legal age and authorized to do business in the State and that I have personally examined the information contained in the application and believe that the information submitted is correct to the best of my knowledge.

Signature of Applicant

Date

Title 18, U.S.C. Section 1001 and Title 43 U.S.C. Section 1212, make it a crime for any person knowingly and willfully to make to any department or agency of the United States any false, fictitious, or fraudulent statements or representations as to any matter within its jurisdiction.

(Continued on page 3)

(SF-299, page 2)

APPLICATION FOR TRANSPORTATION AND UTILITY SYSTEMS
AND FACILITIES ON FEDERAL LANDS

GENERAL INFORMATION
ALASKA NATIONAL INTEREST LANDS

This application will be used when applying for a right-of-way, permit, license, lease, or certificate for the use of Federal lands which lie within conservation system units and National Recreation or Conservation Areas as defined in the Alaska National Interest Lands Conservation Act. Conservation system units include the National Park System, National Wildlife Refuge System, National Wild and Scenic Rivers System, National Trails System, National Wilderness Preservation System, and National Forest Monuments.

Transportation and utility systems and facility uses for which the application may be used are:

1. Canals, ditches, flumes, laterals, pipes, pipelines, tunnels, and other systems for the transportation of water.
2. Pipelines and other systems for the transportation of liquids other than water, including oil, natural gas, synthetic liquid and gaseous fuels, and any refined product produced therefrom.
3. Pipelines, slurry and emulsion systems, and conveyor belts for transportation of solid materials.
4. Systems for the transmission and distribution of electric energy.
5. Systems for transmission or reception of radio, television, telephone, telegraph, and other electronic signals, and other means of communications.
6. Improved rights-of-way for snow machines, air cushion vehicles, and all-terrain vehicles.
7. Roads, highways, railroads, tunnels, tramways, airports, landing strips, docks, and other systems of general transportation.

This application must be filed simultaneously with each Federal department or agency requiring authorization to establish and operate your proposal.

In Alaska, the following agencies will help the applicant file an application and identify the other agencies the applicant should contact and possibly file with:

U.S. Department of Agriculture
FOREST SERVICE (USFS)
Alaska Regional Office (Region 10)
Physical Address:
Federal Office Building
709 West 9th Street
Juneau, Alaska 99801
Mailing Address:
P.O. Box 21628
Juneau, Alaska 99802
Telephone: 907-586-8806

U.S. Department of the Interior
BUREAU OF INDIAN AFFAIRS (BIA)
Alaska Regional Office (Juneau)
Mailing/Physical Address:
P.O. Box 25520
709 West 9th Street
Juneau, Alaska 99802
Telephone: 800-645-8397

U.S. Department of the Interior
BUREAU OF LAND MANAGEMENT (BLM)
Alaska State Office
Mailing/Physical Address:
222 West 7th Avenue #13
Anchorage, Alaska 99513
Telephone: 907-271-5960

U.S. Department of the Interior
NATIONAL PARK SERVICE (NPS)
Alaska Regional Office (Anchorage)
Mailing/Physical Address:
240 West 5th Avenue, Room 114
Anchorage, Alaska 99501
Telephone: 907-644-3501

U.S. Department of the Interior
FISH AND WILDLIFE SERVICE
Alaska Regional Office (Region 7)
Mailing/Physical Address:
1011 East Tudor Road
Anchorage, Alaska 99501
Telephone: 907-271-5011

Note: Filings with any Department of the Interior agency may be filed with any office noted above or with the:

U.S. Department of the Interior
OFFICE OF ENVIRONMENTAL POLICY AND COMPLIANCE
Alaska Regional Office (Anchorage)
Regional Environmental Officer
1689 C Street, Room 119
Anchorage, Alaska 99501
Telephone: (907) 271-5011

U.S. Department of Transportation
FEDERAL AVIATION ADMINISTRATION
Alaska Regional Office (Anchorage)
222 West 7th Avenue, #14
Anchorage, Alaska 99513
Telephone: 907-271-5269

NOTE - The Department of Transportation has established the above central filing point for agencies within that Department. Affected agencies are: Federal Aviation Administration (FAA), Coast Guard (USCG), Federal Highway Administration (FHWA), Federal Railroad Administration (FRA).

OTHER THAN ALASKA NATIONAL INTEREST LANDS

Use of this form is not limited to National Interest Conservation Lands of Alaska.

Individual departments/agencies may authorize the use of this form by applicants for transportation and utility systems and facilities on other Federal lands outside those areas described above.

For proposals located outside of Alaska, applications will be filed at the local agency office or at a location specified by the responsible Federal agency.

SPECIFIC INSTRUCTIONS
(Items not listed are self-explanatory)

- Item*
- 7 Attach preliminary site and facility construction plans. The responsible agency will provide instructions whenever specific plans are required.
 - 8 Generally, the map must show the section(s), township(s), and ranges within which the project is to be located. Show the proposed location of the project on the map as accurately as possible. Some agencies require detailed survey maps. The responsible agency will provide additional instructions.
 - 9, 10, and 12 - The responsible agency will provide additional instructions.
 - 13 Providing information on alternate routes and modes in as much detail as possible, discussing why certain routes or modes were rejected and why it is necessary to cross Federal lands will assist the agency(ies) in processing your application and reaching a final decision. Include only reasonable alternate routes and modes as related to current technology and economics.
 - 14 The responsible agency will provide instructions.
 - 15 Generally, a simple statement of the purpose of the proposal will be sufficient. However, major proposals located in critical or sensitive areas may require a full analysis with additional specific information. The responsible agency will provide additional instructions.
 - 16 through 19 - Providing this information in as much detail as possible will assist the Federal agency(ies) in processing the application and reaching a decision. When completing these items, you should use a sound judgment in furnishing relevant information. For example, if the project is not near a stream or other body of water, do not address this subject. The responsible agency will provide additional instructions.
Application must be signed by the applicant or applicant's authorized representative.

If additional space is needed to complete any item, please put the information on a separate sheet of paper and identify it as "Continuation of Item".

SUPPLEMENTAL

NOTE: The responsible agency(ies) will provide additional instructions	CHECK APPROPRIATE BLOCK	
	ATTACHED	FILED*
I - PRIVATE CORPORATIONS		
a. Articles of Incorporation	<input type="checkbox"/>	<input type="checkbox"/>
b. Corporation Bylaws	<input type="checkbox"/>	<input type="checkbox"/>
c. A certification from the State showing the corporation is in good standing and is entitled to operate within the State.	<input type="checkbox"/>	<input type="checkbox"/>
d. Copy of resolution authorizing filing	<input type="checkbox"/>	<input type="checkbox"/>
e. The name and address of each shareholder owning 3 percent or more of the shares, together with the number and percentage of any class of voting shares of the entity which such shareholder is authorized to vote and the name and address of each affiliate of the entity together with, in the case of an affiliate controlled by the entity, the number of shares and the percentage of any class of voting stock of that affiliate owned, directly or indirectly, by that entity, and in the case of an affiliate which controls that entity, the number of shares and the percentage of any class of voting stock of that entity owned, directly or indirectly, by the affiliate.	<input type="checkbox"/>	<input type="checkbox"/>
f. If application is for an oil or gas pipeline, describe any related right-of-way or temporary use permit applications, and identify previous applications	<input type="checkbox"/>	<input type="checkbox"/>
g. If application is for an oil and gas pipeline, identify all Federal lands by agency impacted by proposal.	<input type="checkbox"/>	<input type="checkbox"/>
II - PUBLIC CORPORATIONS		
a. Copy of law forming corporation	<input type="checkbox"/>	<input type="checkbox"/>
b. Proof of organization	<input type="checkbox"/>	<input type="checkbox"/>
c. Copy of Bylaws	<input type="checkbox"/>	<input type="checkbox"/>
d. Copy of resolution authorizing filing	<input type="checkbox"/>	<input type="checkbox"/>
e. If application is for an oil or gas pipeline, provide information required by Item "I-f" and "I-g" above.	<input type="checkbox"/>	<input type="checkbox"/>
III - PARTNERSHIP OR OTHER UNINCORPORATED ENTITY		
a. Articles of association, if any	<input type="checkbox"/>	<input type="checkbox"/>
b. If one partner is authorized to sign, resolution authorizing action is	<input type="checkbox"/>	<input type="checkbox"/>
c. Name and address of each participant, partner, association, or other	<input type="checkbox"/>	<input type="checkbox"/>
d. If application is for an oil or gas pipeline, provide information required by Item "I-f" and "I-g" above.	<input type="checkbox"/>	<input type="checkbox"/>

* If the required information is already filed with the agency processing this application and is current, check block entitled "Filed." Provide the file identification information (e.g., number, date, code, name). If not on file or current, attach the requested information.

NOTICES

NOTE: This applies to the Department of the Interior/Bureau of Land Management (BLM).

The Privacy Act of 1974 provides that you be furnished with the following information in connection with the information provided by this application for an authorization.

AUTHORITY: 16 U.S.C. 310 and 5 U.S.C. 301.

PRINCIPAL PURPOSE: The primary uses of the records are to facilitate the (1) processing of claims or applications; (2) recordation of adjudicative actions; and (3) indexing of documentation in case files supporting administrative actions.

ROUTINE USES: BLM and the Department of the Interior (DOI) may disclose your information on this form: (1) to appropriate Federal agencies when concurrence or supporting information is required prior to granting or acquiring a right or interest in lands or resources; (2) to members of the public who have a need for the information that is maintained by BLM for public record; (3) to the U.S. Department of Justice, court, or other adjudicative body when DOI determines the information is necessary and relevant to litigation; (4) to appropriate Federal, State, local, or foreign agencies responsible for investigating, prosecuting violation, enforcing, or implementing this statute, regulation, or order; and (5) to a congressional office when you request the assistance of the Member of Congress in writing.

EFFECT OF NOT PROVIDING THE INFORMATION: Disclosing this information is necessary to receive or maintain a benefit. Not disclosing it may result in rejecting the application.

The Paperwork Reduction Act of 1995 requires us to inform you that:

The Federal agencies collect this information from applicants requesting right-of-way, permit, license, lease, or certifications for the use of Federal Lands.

Federal agencies use this information to evaluate your proposal.

No Federal agency may request or sponsor and you are not required to respond to a request for information which does not contain a currently valid OMB Control Number.

BURDEN HOURS STATEMENT: The public burden for this form is estimated at 25 hours per response including the time for reviewing instructions, gathering and maintaining data, and completing and reviewing the form. Direct comments regarding the burden estimate or any other aspect of this form to: U.S. Department of the Interior, Bureau of Land Management (1004-0189), Bureau Information Collection Clearance Officer (WO-630) 1849 C Street, N.W., Mail Stop 401 LS, Washington, D.C. 20240.

A reproducible copy of this form may be obtained from the Bureau of Land Management, Division of Lands, Realty and Cadastral Survey, 1620 L Street, N.W., Rm. 1000 LS, Washington, D.C. 20036.

Item #7—Plan of Development

A. Purpose and Need for the Trail system

Through permanent redevelopment, community involvement, and active management, Beck Lake Park Recreation Area has the potential to be a model bicycling and shared-use trail facility. The year round park expansion and development of trails and facilities for cycling and hiking is supported by the local bicycling community. Park County Pedalers, Biker Chicks, and Absaroka Cycles have demonstrated an interest in the project, and their commitment to advancing cycling at the Park provides a source of volunteers for development and long-term maintenance.

Development of skills areas and beginner trails, along with a pump track and jump park, helps to engage the next generation of cyclists and park supporters. Skills areas can be developed on City owned property as a support facility for the Beck Lake Trail System. Based on uses at other trails and facilities in town, we expect an average of 50-100 users daily.

There are 1.3 miles of mostly existing/unimproved trails on BLM land, with a need for another 3.3 miles on BLM land. The right of way length needed is 4.6 miles total on BLM land as shown on the attached map, which includes approximately 500 feet of existing paved walking path on the south side of New Cody Reservoir. The width of the actual trail that is traveled will be less than two feet of disturbance in most places, however the alignment may change in places over time. Additionally some areas where there is steep terrain, a substantial cut into the hill side may be needed, resulting in a wider disturbance. The permanent right of way width needed is 100 feet to allow for future alignment changes and to accommodate anticipated future development. For the construction phase, a corridor width of 200 feet is needed, with an as built being adopted later for the 100 feet permanent width after construction is complete.

Building a stacked loop system of trails originating from the existing trailhead facilities and paths at Beck Lake Park (on City property) will allow riders of all abilities to learn basic riding skills. Progression to single track trails will allow riders to practice technical riding skills and provide access to the vast backcountry trail network to the west and south of the Park. Provide intermediate and advanced routes to connect to existing trails and roads on BLM properties beyond the planning area. These routes could be formalized as part of the evaluation process through a right-of-way designation with the BLM. Several existing routes for hiking and biking travel through this area.

Design at least one loop that is buffered from prevailing westerly winds. Windy days are common and it is not uncommon for users to report being blown over when traveling on ridge top trails. A lee-side route would allow for better user experience during times of significant winds. Also, these trails would be better protected from wind-based erosion of soils displaced by use.

Several comments were made during stakeholder meetings regarding the desire for a dedicated facility for paintball disc golf, and off-leash dog area. It is up to the City and advisory group to decide whether the site is suitable for such activities and whether sufficient volunteer resources or potential revenue-generating mechanisms exist to support the long-term maintenance of such facilities. Although not part of the trail system right of way application, these possible future facilities are discussed generally to provide a view of the overall recreation plan for the Beck Lake expansion area.

The budget and timetable for implementation is discussed by City Council on an annual basis.

B. Description of the Facility and Design Factors

Proposed system trails are a combination of new routes and existing trails to create a series of loops and diverse trail experiences within the setting. The proposed trail system consists of a total of 9.1 miles (BLM - 4.6 miles and City – 4.5 miles). There are 1.3 miles of existing/informal trails on BLM, with another 3.3 miles of new trails planned. Also proposed are 0.9 miles of trail closure (on City or private

property). Proposed routes were designed to create loops, reduce reliance on double track, minimize erosion, and provide diverse experiences. Additionally, the Flow Trail is proposed as a bike-optimized trail and is intended to be ridden in the descending direction. Existing trails proposed as system trails were selected based upon several criteria, including: route in a sustainable or maintainable alignment, route provides logical trail connection, and route provides desired experience.

Create a designated off-leash area for dogs. Regardless of whether this is within an existing fenced dispersed-use area on the property or in a separate set-aside designated area, there is great demand and heavy existing use on the site by visitors with their dogs. A separate right of way application would be submitted for this project.

The site currently has some fences for grazing. If the site remains open for grazing allotments or is considered for continued off-leash dog activity, fences will need to be maintained and safe access and egress from fenced areas provided for trail users. All canal crossings are on City property. The most commonly used canal crossing needs to be improved. Access across the canal needs to be permitted by the managing body (presumably the City of Cody.) An additional crossing, toward the west end of the canal on the site is suitable for trail users, but is shared with vehicles. Ideally, a separate crossing could be developed for trail users and occasional maintenance access.

C. Facility Design Factors

The trail construction standards are from the IMBA (International Mountain Bike Association) manual using existing materials from the site. On occasion and where feasible, small mechanical equipment will be used. Design schematics for trail construction are available and can be viewed upon request. The construction and design standards are set in the IMBA Trail Solutions and Managing Mountain Biking.

Demonstrations of trail constructions are also available for review. The DVD format is titled Building Mountain Bike Trails Sustainable singletrack.

D. Additional Components of the Right-of-Way

Pump Track (All on City Property)

Some the proposed features are not on BLM land, but they will have an additional impact on the entire area, so they are discussed in this plan of development. The additions will support the entire area being considered for the Mt. Bike Park. The sequence of rollers and berms in a pump track allow riders to learn how to maintain momentum and balance in a slow-speed, low-risk setting. Anyone can have fun on a pump track. More advanced riders can float through a full lap or several laps with minimal pedaling, challenging themselves to manual or jump through and over rollers, transition across lines, and other maneuvers focused on style and finesse. Pump tracks are a dedicated bike facility in miniature, usually of $\frac{1}{4}$ acre or less, constructed of packed mineral soil. They are extremely popular with both trail and park riders and provide a high use facility with a small footprint. A well-built pump track can be ridden without pedaling as “pumping” the bike up and down earthen swales creates forward momentum. As pump tracks have gained in popularity during the last few years they have been recognized as very efficient in improving fitness and bike handling skills. As with skills areas, a well-built pump track can be an effective risk management tool as it provides a high thrill, yet low risk, area for riders to warm up and practice on before heading out on the trails.

Gravity Pump Line (All on City property)

Gravity pump lines provide a track for riders to focus on rhythm and efficiency of bicycle motion and momentum. Learn to “surf” the lines and carry speed through gravity dips and turns. Skills gained here in balance, maintaining momentum, timing, body positioning, and speed translate into skills for single track and for other bike park features, such as dirt jumps. Like pump tracks and dirt jump lines, pump

lines provide a heavily manipulated trail experience those appeals to many bicyclists. The key component of a pump line is essentially a linear flow line with a bermed turn at the end, which ties into a return track. Specifically, the routes are collections of in sloped turns and exaggerated rolling features, similar to those found in a pump track but on a larger scale. Depending on the suitability of soils and nature of the site, these features are constructed from imported or locally harvested material. A single return route allows visitors to “session” the area; making repeated passes through the track.

Dirt Jumps (All on City property)

Dirt jumps allow users to learn to jump and progress to larger jumps in an area designed for that purpose. Description: Dirt jump lines have been popular since the first BMX bike was made. Dirt jump lines have rollers and berms like pump tracks and flow lines, but these rollers have lips and transitions, unlike these other features. These features make the lines specific for jumping and are typically not suitable for other types of riding. Jump lines should be in parallel, with beginner, intermediate, and advanced lines. Lines are preceded by a ramp roll-in, so that riders can generate speed needed to make the jumps; and end in a large berm, which guides all riders in the same direction, towards the return track.

Proposed bike park area features and dimensions

Bike Park Features	Comments	Area (Acre)	Dimensions (ft)
Total park area	maximum area of disturbance	3.44	300'x500'
Beginner skills area		0.39	100'x170'
Intermediate skills area	width ranges 80' to 100'	0.33	90'x160'
Pump track		0.41	100'x180'
Jump lines	3 lines: beg, inter, adv	0.36	70'x225'
<u>Gravity pump line</u>		0.22	35'x270'

- Proposed Special Use Areas (A right of way application will be filed later for the special area portions on BLM land listed below)

In addition to trails and a bike park, several other facilities for park users are planned:

- Off-leash Dog Area – a discrete location for dogs to engage in pack play and socialize off leash. Two proposed options are shown; agencies and stakeholders will need to decide which site is best for development. As shown on the map, both dog area sites are currently on City property. This area should be fenced or otherwise screened (thru distance and/or topography) from other popular use areas. Waste bags and receptacles are needed. Disc-Golf Area – one or two areas for 9 to 18-hole disc golf. (on BLM property) Area needs vary, depending upon terrain. Avoid placing baskets too close to high trail use areas or intersections.
- Paintball Area (on BLM property) – paintball requires a relatively large area, and needs to be away from trail use and trailhead areas. The proposed location is outside of any proposed system trails to avoid user conflict. Ample space is available for associated structures, as desired. Proposed locations for these features are shown in master plan created by IMBA. These are recommended locations based upon input from City Staff and public input; in some cases, more than one location is proposed. This document reflects best available locations given known constraints and desires. Agencies and stakeholders may decide that other locations are preferable to those proposed.

Facility Improvements (on City property)

- Canal Bridge--The most commonly used canal-crossing must be replaced. This bridge location represents the primary existing and proposed crossing of the canal for trail system

access. Access across the canal needs to be permitted by the managing body (presumably the Canal Irrigation District).

- Water and Tools for Bike Park--Convenient access to water is necessary for jump construction and regular maintenance. A possible water storage option is a small tank located just below the bike path and immediately adjacent to the bike park. Water can be pumped periodically into the tank from the reservoir, then be gravity-fed for use in the park. Water and tools are needed for routine maintenance of dirt features. A storage shed with tools, accessible by bike park users, is ideal to create a culture of care for features. Without tools and water, dirt features will rapidly fall into neglect and disuse.

- Maps and Wayfinding--Signs are an important part of a successful trail system. Signs help users to navigate and interpret the environment. In combination with a stacked loop style trail system, signs guide users to the trail experience that meets their expectations based upon abilities and interests.

Large trail maps at the trailhead, along with smaller maps at major intersections (e.g. top of the Flow Trail), are helpful in orienting users to the system and assuring that they have an experience that meets their expectations. Wayfinding signs along trails help users navigate the system without maps, and reassure users that they are on their intended route.

Wayfinding signs or cairns will be particularly important where trails intersect, there are other uses (e.g. near disc golf), and/or there are other existing non-system routes (e.g. utility roads or cattle trails).

- Wind and Sun Shelters (on City property) --Steady winds and sun can make park experiences uncomfortable, particularly for beginners and families. Consider adding small wind and sun

shelters above the bike park and at the top of the Flow Trail. These are great locations for park users to rest, put on protective equipment, watch others enjoy the facilities, or simply have a snack.

- On trail rule signs, mountain bikers will be asked to always yield. Let your fellow trail users know you are coming. Show respect when passing by slowing down to a walkers pace or even stopping. Yielding means establishing communication to be prepared to stop, and stop if necessary in order to pass safely.
- Trail rule signs will indicate that the trails will be closed to motorized use. This will be monitored by the City and enforced as a park rule.

E. Construction of Facility:

Trail construction will follow IMBA guidelines/standards (see manuals previously mentioned that are available for review at Parks and Recreation), as described in IMBA's Trail Solutions and Managing Mountain Biking texts and current best management practices in the construction of bike optimized trails, shared-use trails, and bike-park features. In order that the park best meets the needs of users, it is proposed that trails and facilities are constructed under the guidance of a qualified professional trail contractor, experienced in bike-specific facilities and shared-use trail construction. The Professional Trail builders Association (www.trailbuilders.org) is the best source for finding qualified trail and bike park contractors.

Several trail segments currently follow unsustainable alignments; these trail segments will need realignment or hardening, depending upon desired trail experience and skill rating. Trail Improvements to existing trails will need some improvements to be brought up to IMBA guidelines for sustainable trail construction, and so that trail experience is consistent as users travel from existing trails to new routes. Detailed descriptions of guidelines and construction techniques are described in IMBA's Trail Solutions and Managing Mountain Biking texts.

Many existing trails and roads exist within the planning area that will not be made part of the system nor recommended for closure. These routes range from double track utility roads to cattle trails. It is not easible or desirable to close all of the existing routes in the planning area. Utility and maintenance access needs to be maintained along many of the double track routes. Cattle will continue to traverse the area; indeed, keeping these minor trails may encourage cattle to use these routes rather than traveling along system trails. Closures are recommended only for routes that are on or lead to private property that will cause undo confusion to users, and/or are in a particularly unsustainable alignment. No closures will be done on BLM land. Closures should follow best practices given the setting, including scarification of compacted surfaces, placement of woody and other organic debris to disguise the corridor, and temporary signs to alert trail users.

- Reroute any trail segments on private property. System trails should avoid private property; if there is a need to continue routes through private property, the City should solicit formal landowner agreements.
- Add trailhead signs to deter use for 24 hours following a rain event. Tread improvements may be needed in isolated low-lying areas prone to water retention, particularly near trailheads, where use is expected despite soil conditions.
- It is recommended that a signing system be implemented for the park and trails to guide users to an experience appropriate for their activity, skill, and fitness level. Kiosks and trail signs are also an effective risk management tool.
- Costs are broad estimates based upon initial site visit and development potential and assume all design and construction by a professional trail builder. Engaging a professional in trail planning, design, and construction will generate the best park conditions for the long term. However, trail and facilities development can be undertaken in phases and volunteers can greatly offset costs for construction and maintenance. Generally, some sort of hybrid model works well for cost-conscious communities – where a professional is engaged in

design, then leads/trains local volunteers and Parks staff during construction.

Phase I See Map for Trail Names –goes with appendix that has table with name Phase I construction is expected to begin within the first 1-2 years after the right of way grant is issued.

- Flow Trail, Hanging Rock, and Windy Ridge--Sustainable trail climb and bike-optimized descent combine to create a loop. It creates experience very different than currently available on park trails, particularly for bicyclists.
- Warm-up Loop and Bike Park and Trailhead connectors (All on City property). Loop for beginners, it provides primary trail access from bike park and trailhead to system trails across canal bridge.
- Pump Track, Jump Lines, and Skills Areas. Bike Park facilities are a great way to draw a wide range of existing cyclists and new users to the park. It is expected that pump track and jump lines will be the most popular facilities. Skills areas provide essential skill development for users wanting to tackle obstacles they may find on the park's trails.

Phase II construction is expected to begin within 2-5 years after the right of way grant is issued.

- Oly's Trail. This sandstone ridge has several existing trails and presents a great opportunity to provide technical challenge for hikers, runners, and bicyclists. This trail will require significant route delineation and armoring to minimize impacts to non-rock surfaces (prevents vegetation and soil loss). There can be several routes to provide advanced and expert lines.

- East Side Trails and Potato Chip Trails provide additional beginner and intermediate level loop options, and connect to Oly’s Trail to provide loops. Existing routes in these areas can be used in the interim.

F. Rehabilitation:

1. Rehabilitation measures such as grass seeding will be done on a case by case basis. Since the trails will be narrow and on a designed grade, minimal restoration is anticipated because of the small footprint.

G. Maintenance:

1. Trail maintenance according to IMBA handbook will be completed on an as needed basis with volunteer and City work crews. Annual maintenance will likely involve repairing drainage structures and sign replacement. See manual for examples.

Item 8—Maps Covering area of project proposal

See appendix.

Item 12 Financial Capabilities

The City of Cody is technically and financially capable of completing the project described in this application.

Cost Summary – Trails

	LOW ESTIMATE	HIGHESTIMATE	Schedule
Phase 1	\$87,910.60	\$131,865.90	Volunteer Labor start in 2012-2017
Phase 2	\$54,307.60	\$81,461.40	2017-2022
Total	\$142,218.20	\$213,327.30	

Cost Summary—Bike Park Features

BIKE PARK FEATURE	NOTES	AREA (AC0)	DIMENSIONS (FT)	AVG COST	LOW COST ESTIMATE	HIGH COST ESTIMATE
Beginner Skills		.39	100'x170'	\$9,900	\$7,920	\$11,880
Intermediate Skills	Width 80'-100'	.33	90'x160'	\$11,880	\$9,504	\$14,256
Pump Track		.41	100'x180'	\$19,800	\$15,840	\$23,760
Jump Lines	3 lines; Beg. Int., Adv.	.36	70'x225'	\$19,800	\$15,840	\$23,760
Gravity Pump Line		.22	35'x270'	\$9,900	\$7,920	\$11,880
Max area of Total Park Area	Disturbance	3.44	300'x500'	\$71,280	\$57,024	\$85,536

Item #13

A—Describe other reasonable alternative routes and modes considered—none.

B—why were routes not considered? Existing trails have already been established and existing conditions lend itself for the proposed routes and development. There are not any alternatives for a facility of this nature due to the cost and availability of acquiring the required amount of private land.

C—Give explanation as to why it is necessary to cross federal land—there is not any other land of this size and topography available for reasonable costs to the City. A Mt. Bike park and trail system is consistent with existing uses.

Item #16

Cody is known as the “Gateway to Yellowstone” and during the summer it sees significant visitation from vacationers traveling to the National Park. Interpretation of the region’s rich cultural history is available at the Buffalo Bill Historical Center downtown. As the largest historical museum west of the Mississippi it serves as a draw for tourists to round out their Old West experience. For the trail enthusiast, the immediate vicinity of Cody is blessed with a wealth of trails for bicycling, hiking, equestrian, and motorized use.

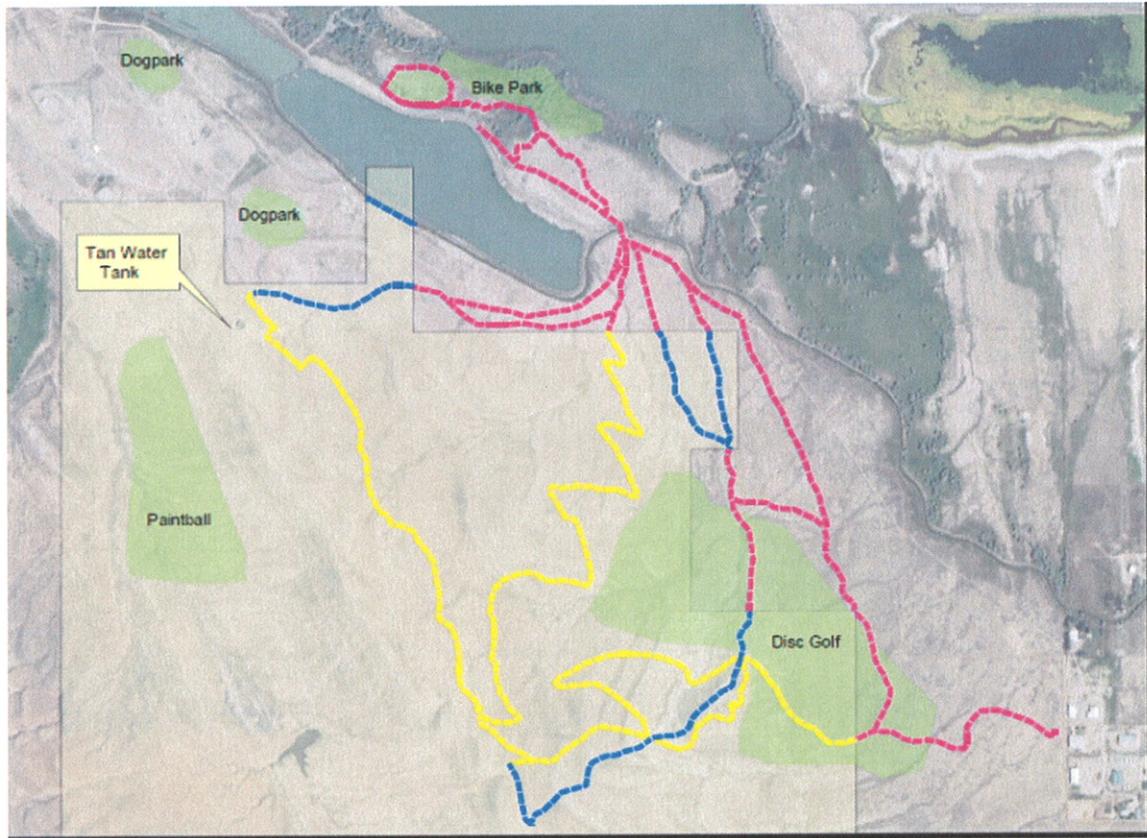
Item #19

No hazardous materials will be used within the right of way.

Appendix 1 Trail Names and Details

Table 1: Beck Lake Recreation Area: Proposed System Trails							
Route ID	Route Name	Type	Status	Proposed Skill Rating	Estimated Length (ft)	Proposed Phase	Comments
1	Flow Trail	Flagged	New	Intermediate	6930	1	pink flagging & green pin flags; 4-5% avg grade
2	Bike Park perimeter	Flagged	New	All	0	1	pink pin flags
3	Bike Park connector	Proposed	New	Beginner	1375	1	crosses wet area- ~100lf boardwalk
4	TH loop	Proposed	New	Beginner	1430	1	
5	Reroute connector	Proposed	New	Beginner	902	1	reroute to avoid private ppty
6	Flow connector	Proposed	New	Intermediate	187	1	
7	Windy Ridge	Proposed	New	Intermediate	4675	1	4-5% avg grade, okay to have pitches up to 8%
8	Windy Ridge	Proposed	New	Intermediate	649	1	4-5% avg grade, okay to have pitches up to 8%
9	Potato Chip	Proposed	New	Intermediate	1397	2	chip shale zone; 4-5% avg grade, okay to have pitches up to 8%
10	Sandstone Ridge	Proposed	New	Advanced	1540	2	winding route thru sandstone outcrop, 5-20% grades over rock
11	Potato Chip	Proposed	New	Intermediate	3036	2	chip shale zone; 4-5% avg grade, okay to have pitches up to 8%
12	East side	Proposed	New	Intermediate	1606	2	
13	East TH connector	Proposed	New	Beginner	2035	2	
14	Canal Trail	Proposed	Existing	Beginner	1650	1	improve, add RGDs, armor low spots
15	Warmup loop	Proposed	Existing	Beginner	2200	1	define route
16	Oly's Trail	Proposed	Existing	Advanced	1320	2	need to mark and define route
17	Warmup Loop	Proposed	Existing	Beginner	2156	1	mark & define, armor bentonite sections
18	Lower Sandstone	Proposed	Existing	Intermediate	2068	2	mark and define route
19	East Side	Proposed	Existing	Beginner	2090	2	mark and define route
20	Hanging Rock	Proposed	Existing	Intermediate	2310	1	mark and define route
21	Hanging Rock	Proposed	Existing	Intermediate	1892	1	improve, mark & define route
22	South BLM Connector	Proposed	Existing	Intermediate	110	1	existing rd, connect off lease area
25			Close		2024	1	private property
26			Close		1958	1	poor location, soils, fenceline
27			Close		231	1	confusing
28			Close		693	1	confusing, leads off lease area

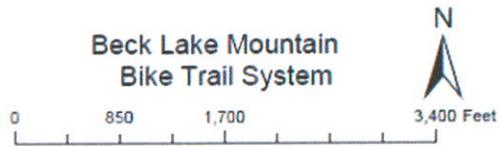
Appendix 2 Trail Map



Legend

- Existing Trails BLM (1.3 miles)
- New Construction Trail Portion on BLM (3.3 miles)
- Trail system off BLM (4.5 miles on City property)
- Bureau of Land Management

**Beck Lake Mountain
Bike Trail System**



Note: Paintball, Dog Park, and Disc Golf areas (green) are shown for informational purposes, the right-of-way grant application is only for the trail system.

Beck Lake Recreation Area Bike Park Conceptual Plan

Summer 2011



PREPARED FOR: Shoshone Recreation District

PREPARED BY: The International Mountain Bicycling Association - Trail Solutions program
PO Box 7578
Boulder, CO 80306



ACKNOWLEDGEMENTS

City of Cody

Shoshone Recreation District

Bureau of Land Management, Cody Field Office

Park County Pedalers

BECK LAKE RECREATION AREA - CONCEPTUAL PLAN

CONCEPTUAL PLAN 4

TRAIL DETAILS 4

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Trail Construction 5

Trail Improvements 6

Trail Closure 6

TRAIL FACILITIES 6

Bike Park 6

Proposed Special Use Areas 8

Facility Improvements 9

PHASED IMPLEMENTATION 10

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 PHASE II 10

COSTS AND FUNDING 11

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APPENDIX B 13

Conceptual Plan

The Shoshone Recreation District retained IMBA Trail Solutions to locate and design bike park facilities and shared-use trails within the Beck Lake Recreation Area expansion property and adjacent City and Bureau of Land Management (BLM) lands. This plan, in combination with the 2010 feasibility study provide needed planning steps in the development of a model recreational facility. The primary deliverables for the concept plan are maps (included in this document) and GIS layers (as separate files) locating the specific facilities and trails within the planning area. Additionally, cost estimates and recommended phasing for construction are given



Trail Details

Proposed system trails are a combination of new routes and existing trails to create a series of loops and diverse trail experiences within the setting. Total proposed trail system mileage is approximately 8 miles, made up of ~5 miles of new routes and ~3 miles of existing trails. Also proposed are 0.9 miles of trail closure (see *Table 1*).

Proposed routes were designed to create loops, reduce reliance on doubletrack, minimize erosion, and provide diverse experiences. Additionally, the Flow Trail is proposed as a bike-optimized trail and is intended to be ridden in the descending direction.

Existing trails proposed as system trails were selected based upon several criteria, including: route in a sustainable or maintainable alignment, route provides logical trail connection, and route provides desired experience.



Doubletrack routes are not ideal for system trails, but are often needed for utility access. Park users can still access them, but they are not proposed to be signed or improved as part of the system.

BECK LAKE RECREATION AREA - CONCEPTUAL PLAN

Table 1: Beck Lake Recreation Area: Proposed System Trails

Route ID	Route Name	Type	Status	Proposed Skill Rating	Estimated Length (ft)	Proposed Phase	Comments
1	Flow Trail	Flagged	New	Intermediate	6930	1	pink flagging & green pin flags; 4-5% avg grade
2	Bike Park perimeter	Flagged	New	All	0	1	pink pin flags
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28			Close		693	1	confusing, leads off lease area

Route Design

The Flow Trail was flagged and GPS'd on site during the planning visit June 1st-3rd. Additional trail routes, as proposed here, will be flagged by trained volunteers using sustainable trail design principles, GPS tracks, and site-specific guidance provided by Trail Solutions. These volunteers will create GPS tracks for the final flagged routes. Trail Solutions will confirm sustainable track alignment and revise tracks as needed.

Trail Construction

Trail construction should follow IMBA guidelines, as described in IMBA's *Trail Solutions* and *Managing Mountain Biking* texts and current best management practices in the construction of bike-optimized trails, shared-use trails, and bike-park features. In order that the park best meets the needs of users, it is strongly recommended that trails and facilities be constructed under the guidance of a

qualified professional trail contractor, experienced in bike-specific facilities *and* shared-use trail construction. The *Professional Trailbuilders Association* (www.trailbuilders.org) is the best source for finding qualified trail and bike park contractors.

Trail Improvements

Existing trails will need some improvements to be brought up to IMBA guidelines for sustainable trail construction, and so that trail experience is consistent as users travel from existing trails to new routes. Detailed descriptions of guidelines and construction techniques are described in IMBA’s *Trail Solutions* and *Managing Mountain Biking* texts.

Trail Closure

Many existing trails and roads exist within the planning area that will not be made part of the system nor recommended for closure. These routes range from doubletrack utility roads to cattle trails. It is not feasible or desirable to close all of the existing routes in the planning area. Utility and maintenance access needs to be maintained along many of the doubletrack routes. Cattle will continue to traverse the area; indeed, keeping these minor trails may encourage cattle to use these routes rather than traveling along system trails. Closures are recommended only for routes that are on or lead to private property, that will cause undo confusion to users, and/or are in a particularly unsustainable alignment. Closures should follow best practices given the setting, including scarification of compacted surfaces, placement of woody and other organic debris to disguise the corridor, and temporary signs to alert trail users.

Trail Facilities

Bike Park

A bike park is a discrete developed facility for bike-specific skills development in a controlled setting. Bike parks usually include a variety of natural obstacles such as rocks and logs, imaginative constructed features like ladder bridges, along with pump tracks and dirt jumps—all collected in a compact setting. Bike parks make introduction to and progression within mountain biking more readily available to the public—especially to kids. The proposed bike park facilities for Beck Lake are discussed below; table 2 shows dimensions for each feature (park and feature locations are shown in *Appendix B*).

Skills Area

Purpose: To provide an area for skill development.

Description: A skills area provides a place for riders to test and assess their skills before hitting the trails. Skills areas typically contain progressive challenge elements with low risk in a discrete area. Elements may include log rides, ladder bridges, “skinnies”,



drops, rock features, and other challenge elements focused on technical skill.

Pump Track

Purpose: The sequence of rollers and berms in a pump track allow riders to learn how to maintain momentum and balance in a slow-speed, low-risk setting. Anyone can have fun on a pump track. More advanced riders can float through a full lap or several laps with minimal pedaling, challenging themselves to manual or jump through and over rollers, transition across lines, and other maneuvers focused on style and finesse.

Description: Pump tracks are a dedicated bike facility in miniature, usually of ¼ acre or less, constructed of packed mineral soil. They are extremely popular with both trail and park riders and provide a high use facility with a small footprint. A well-built pump track can be ridden without pedaling as “pumping” the bike up and down earthen swales creates forward momentum. As pump tracks have gained in popularity during the last few years they have been recognized as very efficient in improving fitness and bike handling skills. As with skills areas, a well-built pump track can be an effective risk management tool as it provides a high thrill, yet low risk, area for riders to warm up and practice on before heading out on the trails.



Gravity Pump Line

Purpose: Provide a track for riders to focus on rhythm and efficiency of bicycle motion and momentum. Learn to “surf” the lines and carry speed through gravity dips and turns. Skills gained here in balance, maintaining momentum, timing, body positioning, and speed translate into skills for singletrack and for other bike park features, such as dirt jumps.

Description: Like pump tracks and dirt jump lines, pump lines provide a heavily manipulated trail experience that appeals to many bicyclists. The key component of a pump line is essentially a linear flow line with a bermed turn at the end, which ties into a return track. Specifically, the routes are collections of insloped turns and exaggerated rolling features, similar to those found in a pump track but on a larger scale. Depending on the suitability of soils and nature of the site, these features are constructed from imported or locally harvested material. A single return route allows visitors to “session” the area; making repeated passes through the track.



Dirt Jumps

Purpose: Allow users to learn to jump and progress to larger jumps in an area designed for that purpose.

Description: Dirt jump lines have been popular since the first BMX bike was made. Dirt jump lines have rollers and berms like pump tracks and flow lines, but these rollers have lips and transitions, unlike these other features. These features make the lines specific for jumping and are typically not suitable for other types of riding. Jump lines should be in parallel, with beginner, intermediate, and advanced lines. Lines are preceded by a ramp roll-in, so that riders can generate speed needed to make the jumps; and end in a large berm, which guides all riders in the same direction, towards the return track.

Bike Park Features	Comments	Area (acre)	Dimensions (ft)
Total park area	maximum area of disturbance	3.44	300'x500'
Beginner skills area		0.39	100'x170'
Intermediate skills area	width ranges 80' to 100'	0.33	90'x160'
Pump track		0.41	100'x180'
Jump lines	3 lines: beg, int, adv	0.36	70'x225'
Gravity pump line		0.22	35'x270'

Proposed Special Use Areas

In addition to trails and a bike park, several other facilities for park users are planned:

- Off-leash Dog Area – a discrete location for dogs to engage in pack play and socialize off-leash. Two proposed options are shown; agencies and stakeholders will need to decide which site is best for development. This area should be fenced or otherwise screened (thru distance and/or topography) from other popular use areas. Waste bags and receptacles are needed.
- Disc-Golf Area – one or two areas for 9 to 18-hole disc golf. Area needs vary, depending upon terrain. Avoid placing baskets too close to high trail use areas or intersections.
- Paintball Area – paintball requires a relatively large area, and needs to be away from trail use and trailhead areas. The proposed location is outside of any proposed system trails to avoid user conflict. Ample space is available for associated structures, as desired.

Proposed locations for these features are shown in *Appendix A*. These are recommended locations based upon input from City Staff and public input; in some cases, more than one location is proposed. This document reflects best available locations given known constraints and desires. Agencies and stakeholders may decide that other locations are preferable to those proposed.

Facility Improvements

Canal Bridge

The most commonly used canal-crossing must be replaced. This bridge location represents the primary existing and proposed crossing of the canal for trail system access. Access across the canal needs to be permitted by the managing body (presumably the Canal Irrigation District).

Water and Tools for Bike Park

Convenient access to water is necessary for jump construction and regular maintenance. A possible water storage option is a small tank located just below the bike path and immediately adjacent to the bike park. Water can be pumped periodically into the tank from the reservoir, then be gravity-fed for use in the park.

With water, tools are needed for routine maintenance of dirt features. A storage shed with tools, accessible by bike park users, is ideal to create a culture of care for features. Without tools and water, dirt features will rapidly fall into neglect and disuse.

Signs: Maps and Wayfinding

Signs are an important part of a successful trail system. Signs help users to navigate and interpret the environment. In combination with a stacked loop style trail system, signs guide users to the trail experience that meets their expectations based upon abilities and interests. Large trail maps at the trailhead, along with smaller maps at major intersections (e.g. top of the Flow Trail), are helpful in orienting users to the system and assuring that they have an experience that meets their expectations.

Wayfinding signs along trails help users navigate the system without maps, and reassure users that they are on their intended route. Wayfinding signs or cairns will be particularly important where trails intersect, there are other uses (e.g. near disc golf), and/or there are other existing non-system routes (e.g. utility roads or cattle trails).

Wind and Sun Shelters

Steady winds and sun can make park experiences uncomfortable, particularly for beginners and families. Consider adding small wind and sun shelters above the bike park and at the top of the Flow Trail. These are great locations for park users to rest, put on protective equipment, watch others enjoy the facilities, or simply have a snack.

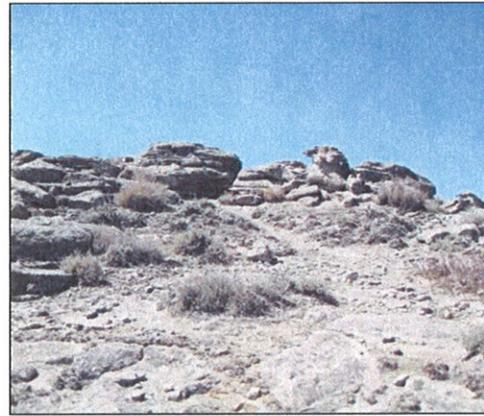
Phased Implementation

Phase I

- Flow Trail, Hanging Rock, and Windy Ridge. Sustainable trail climb and bike-optimized descent combine to create a loop. Creates experience very different than currently available on park trails, particularly for bicyclists.
- Warm-up Loop and Bike Park and Trailhead connectors. Loop for beginners, provides primary trail access from bike park and trailhead to system trails across canal bridge.
- Pump Track, Jump Lines, and Skills Areas. Bike Park facilities are a great way to draw a wide range of existing cyclists and new users to the park. It is expected that pump track and jump lines will be the most popular facilities. Skills areas provide essential skill development for users wanting to tackle obstacles they may find on the park's trails.

Phase II

- Oly's Trail. This sandstone ridge has several existing trails and presents a great opportunity to provide technical challenge for hikers, runners, and bicyclists. This trail will require significant route delineation and armoring to minimize impacts to non-rock surfaces (prevent vegetation and soil loss). There can be several routes to provide advanced and expert lines.
- East Side Trails and Potato Chip Trails provide additional beginner and intermediate level loop options, and connect to Oly's Trail to provide loops. Existing routes in these areas can be used in the interim.



Rock outcropping currently enjoyed by more advanced hikers and cyclists

Costs and Funding

Costs are broad estimates based upon site visits and development potential and assume all design and construction by a professional trailbuilder. Engaging a professional in trail planning, design, and construction will generate the best park conditions for the long term. However, trail and facilities development can be undertaken in phases and volunteers can greatly offset costs for construction and maintenance. Generally, some sort of hybrid model works well for cost-conscious communities – where a professional is engaged in design, then leads/trains local volunteers and Parks staff during construction.

Cost Estimates - Trails

ID	ROUTE NAME	NOTES	STATUS	LF GIS	EST LF (x 1.15)	LOW COST LF	AVG COST LF	HIGH COST LF	LOW COST TOTAL	HIGH COST TOTAL	PHASE
1	Flow Trail	pink flagging & green pin flags	New	6,300	7,245	\$4.80	\$6.00	\$7.20	\$34,776	\$52,164	1
2	Bike Park perimeter	pink pin flags	New	1,600	1,840	\$2.40	\$3.00	\$3.60	\$4,416	\$6,624	1
3	Bike Park connector	crosses wet area- ~100lf boardwalk	New	1,250	1,438	\$4.40	\$5.50	\$6.60	\$6,325	\$9,488	1
4	TH loop		New	1,300	1,495	\$3.20	\$4.00	\$4.80	\$4,784	\$7,176	1
5	Reroute connector	reroute to avoid private ppty	New	820	943	\$3.20	\$4.00	\$4.80	\$3,018	\$4,526	1
6	Flow connector		New	170	196	\$4.80	\$6.00	\$7.20	\$938	\$1,408	1
7	Windy Ridge		New	4,250	4,888	\$4.00	\$5.00	\$6.00	\$19,550	\$29,325	1
8	Windy Ridge		New	590	679	\$4.00	\$5.00	\$6.00	\$2,714	\$4,071	1
9	Potato Chip	chip shale zone	New	1,270	1,461	\$4.00	\$5.00	\$6.00	\$5,842	\$8,763	2
10	Sandstone Ridge	winding route thru sandstone outcrop	New	1,400	1,610	\$4.80	\$6.00	\$7.20	\$7,728	\$11,592	2
11	Potato Chip	chip shale zone	New	2,760	3,174	\$4.00	\$5.00	\$6.00	\$12,696	\$19,044	2
12	East side		New	1,460	1,679	\$4.00	\$5.00	\$6.00	\$6,716	\$10,074	2
13	East TH connector		New	1,850	2,128	\$3.20	\$4.00	\$4.80	\$6,808	\$10,212	2
14	Canal Trail	improve, add RGDs, armor low spots	Existing	1,500	1,725	\$2.40	\$3.00	\$3.60	\$4,140	\$6,210	1
15	Warmup loop	define route	Existing	2,000	2,300	\$0.80	\$1.00	\$1.20	\$1,840	\$2,760	1
16	Oly's Trail	need to mark and define route	Existing	1,200	1,380	\$8.00	\$10.00	\$12.00	\$11,040	\$16,560	2
17	Warmup Loop	mark & define, armor bentonite sections	Existing	1,960	2,254	\$0.80	\$1.00	\$1.20	\$1,803	\$2,705	1
18	Lower Sandstone	mark and define route	Existing	1,880	2,162	\$0.80	\$1.00	\$1.20	\$1,730	\$2,594	2
19	East Side	mark and define route	Existing	1,900	2,185	\$0.80	\$1.00	\$1.20	\$1,748	\$2,622	2
20	Hanging Rock	mark and define route	Existing	2,100	2,415	\$0.80	\$1.00	\$1.20	\$1,932	\$2,898	1
21	Hanging Rock	improve, mark & define route	Existing	1,720	1,978	\$0.80	\$1.00	\$1.20	\$1,582	\$2,374	1
22	South BLM Connector	existing rd, connect off lease area	Existing	100	115	\$0.80	\$1.00	\$1.20	\$92	\$138	1

Cost Summary – Trails

	LOW ESTIMATE	HIGH ESTIMATE
Phase 1	\$87,910.60	\$131,865.90
Phase 2	\$54,307.60	\$81,461.40
Total	\$142,218.20	\$213,327.30

Cost Estimates – Bike Park Features

BIKE PARK FEATURE	NOTES	AREA (AC)	DIMENSIONS (FT)	AVERAGE COST	LOW COST ESTIMATE	HIGH COST ESTIMATE
Beginner skills		0.39	100'x170'	\$9,900.00	\$7,920	\$11,880
Intermediate skills	width ranges 80' to 100'	0.33	90'x160'	\$11,880.00	\$9,504	\$14,256
Pump track		0.41	100'x180'	\$19,800.00	\$15,840	\$23,760
Jump lines	3 lines: beg, int, adv	0.36	70'x225'	\$19,800.00	\$15,840	\$23,760
Gravity pump line		0.22	35'x270'	\$9,900.00	\$7,920	\$11,880
Total Park Area	max area of disturbance	3.44	300'x500'	\$71,280.00	\$57,024.00	\$85,536.00



LEASE

THIS LEASE, made and entered into this _____ day of December, 2011 by and between the CITY OF CODY, WYOMING, a municipal corporation (LESSOR), and PARK COUNTY FIRE PROTECTION DISTRICT NO. 2 (LESSEE);

W I T N E S S E T H:

That LESSOR, for and inconsideration of the covenants and agreements hereinafter set forth, to be kept and performed by LESSEE, does hereby lease unto LESSEE, and LESSEE does hereby rent from LESSOR the following described property, to-wit:

A parcel of land within Lot 3, Lot 4 and the NW¹/₄NE¹/₄SE¹/₄ of Section 1, T. 52 N., R. 102 W. Of the 6th P.M., Park County, Wyoming, according to the Government Resurvey, said parcel being more particularly described as follows:

Beginning at the Southeast Corner of said Lot 3; thence S. 89°58' W., along the South Line of said Lot 3 for a distance of 128.00 feet; thence N. 29°01' W. for a distance of 305.00 feet; thence N. 83°22' E. for a distance of 497.00 feet; thence S. 4°48' E. For a distance of 497.00 feet; thence S. 69°07' W. for a distance of 259.20 feet; thence N. 29°01' W. for a distance of 36.40 feet more or less to the West Line of said NW¹/₄NE¹/₄SE¹/₄ of Section 1; thence N. 0°06' W., along said West Line for a distance of 231.40 feet more or less to the point of beginning. Said parcel contains 4.28 acres more or less and is subject to any easements and rights-of-way that have been legally acquired.

1. TERM: The term of this lease shall be for a period of one year commencing on the _____ day of December, 2011, and terminating on November 30, 2012. This lease shall renew from year to year for additional one year periods without any additional action being required by either party. If either party chooses not renew this lease for an additional one year period, that party shall given written notice to the other party at least ninety days prior to

the end of the existing term. Either party may terminate this Lease at any time for convenience upon ninety days written notice to the other party.

2. RENT: LESSEE shall pay to LESSOR as rent for the use and possession of the property the sum of Ten Dollars and other good and valuable consideration which shall be paid in advance at the time of the execution of this lease. The parties recognize that part of the consideration for the use of the above premises is LESSEE'S valuable service to the residents of the City of Cody in providing public safety and fire protection, and also providing training and education to other firefighters.

3. USE OF PREMISES: The property shall be used by LESSEE solely for a fire training center and for no other purpose unless agreed to by LESSOR in writing.

4. OPERATIONS: All operations conducted on the leased property shall be conducted in accordance with all state laws and city ordinances and no unlawful activity or activity that shall be deemed a nuisance shall be permitted.

5. TAXES AND ASSESSMENTS: LESSEE shall be responsible for and shall pay all taxes and assessments that may be levied on the leased property or any improvements that may be placed thereon by LESSEE.

6. SUBLEASING AND ASSIGNING: LESSEE shall not encumber, assign, or otherwise transfer this Lease, or any right or interest in this Lease, or any right of interest in the property or any improvements without the prior, express written consent of LESSOR. Neither shall the LESSEE sublet the premises or any part thereof or allow any other person or entity other than the LESSEE'S agents, employees and invitees to occupy or use the premises, or any part

thereof without the prior written consent of the LESSOR.

7. DEFAULT: All covenants and agreements contained in this Lease are declared to be conditions of this Lease and to the term hereby demised to the LESSEE. Should the LESSEE default in the performance of any covenant, condition or agreement contained in this Lease LESSOR may give the LESSEE written notice of such default and if the same has not been corrected within thirty(30) days from the posting of the written notice to LESSEE, then LESSOR may terminate this Lease and re-enter and regain possession of the premises.

8. The City of Cody, by entering into this Lease does not waive its sovereign immunity as allowed by law, and expressly reserves the right to assert immunity as a defense to any action arising under this agreement.

IN WITNESS WHEREOF, the parties have executed this Lease as of the day and year first above written.

LESSOR:

CITY OF CODY

BY: _____
Nancy Tia Brown, Mayor

ATTEST:

Cynthia Baker, City Clerk

LESSOR:

PARK COUNTY FIRE PROTECTION
DISTRICT NO. 2

BY: _____

MEETING DATE: JANUARY 17, 2012
DEPARTMENT: PUBLIC WORKS
PREPARED BY: BERT POND
DEPT. DIR. APPROVAL: _____
CITY ADM. APPROVAL: _____
PRESENTED BY: STEVE PAYNE

AGENDA ITEM SUMMARY REPORT

Bid 2011-20 North Cody Distribution Equipment

ACTION TO BE TAKEN

Award Bid 2011-20 to Western United using alternates 1 & 2 (Federal Pacific Switchgear) for a total bid cost of \$173,343.46.

SUMMARY

As part of the North Cody Annex, the City of Cody Electric Division is in the process of constructing new power lines to serve this area. As part of that process, the City of Cody requested bids to supply padmounted switches, transformers, sectionalizing cabinets and fuse cabinets for the Road 2AB underground line and lines to be purchased from Rocky Mountain Power. Submitted bids were opened at 10:00 AM on January 4, 2012.

Below is the list of bids received for Bid 2011-20 North Cody Distribution Equipment showing the bidders and their submitted bid price.

<u>Supplier/Manufacturer</u>	<u>Mat'l Descr.</u>	<u>Evaluated Cost</u>	<u>Wy Res.</u>	<u>Note</u>
Border States Electric	Distribution Eqpt	\$159,638.43	Yes	A
HD Supply	Distribution Eqpt	\$183,780.84	Yes	B
Wesco	Distribution Eqpt	\$237,275.00	Yes	C
Western United Electric	Distribution Eqpt	\$177,153.33	No	D
Western United Alt 1&2	Distribution Eqpt	\$173,343.46	No	E

Note A – Border States did not bid on all equipment. They did not bid on the Ermco Fused Cabinets requested in the bid. If we add the lowest submitted price for this equipment to their bid, the total would be \$203,095.57. This would make them the second highest bid submitted. One other minor exception in their bid was the use of 200 amp three phase sectionalizing cabinets instead of 600 amp units as requested in the bid.

Note B – HD Supply bid on all equipment requested by the bid. Their submitted bid cost of \$183,780.84 is the third highest bid. One other minor exception in their bid was the use of 200 amp three phase sectionalizing cabinets instead of 600 amp units as requested in the bid.

Note C – Wesco bid on all equipment requested by the bid. Their bid cost of \$237,275.00 was the highest bid for the equipment. One other minor exception in their bid was the use of 200 amp three phase sectionalizing cabinets instead of 600 amp units as requested in the bid.

Note D – Western United bid on all equipment requested by the bid. They submitted two bids with this one using S&C Padmounted switches for a total bid cost of \$177,153.33. With 5% added to this bid since they are an out of state supplier, this resulted in an evaluated cost of \$186,011.00 making it second lowest behind HD Supply. Western United did use 600 amp sectionalizing cabinets in their bid.

AGENDA ITEM NO. _____

Note E – Western United submitted an alternate bid using Federal Pacific Padmounted Switchgear for a total bid cost of \$173,343.46. Adding 5% to this bid cost results in an evaluated cost of \$182,010.63 which still makes it the lowest bid cost submitted. Western United did use 600 amp sectionalizing cabinets in their bid.

FISCAL IMPACT

The total cost of this equipment along with purchases already made for this project is still within the amount budgeted for the North Cody project.

ALTERNATIVES

There is no alternative other than requesting a new bid.

RECOMMENDATION

The City of Cody Public Works Department – Electric Division recommends that we award Bid 2011-20 to Western United using alternates 1& 2 (Federal Pacific Switchgear) for a total bid cost of \$173,343.46. Western United bid using Federal Pacific Switchgear is the evaluated low bid for this equipment.

ATTACHMENTS

Bid Price Comparison Sheet

AGENDA ITEM NO. _____

Description	BSE	HDS	WUE	Wesco	WUE alt 1&2
5-25 kVA xfmr-OH	\$5,249.90	\$6,835.00	\$6,512.95	\$7,370.00	\$6,512.95
1-37.5 kVA xfmr - OH	\$1,234.98	\$1,595.00	\$1,520.21	\$1,600.00	\$1,520.21
2-75 kVA 3ph-480Y	\$14,621.96	\$12,298.00	\$11,226.67	\$15,582.00	\$11,226.67
2-75 kVA 3 ph - 240D	\$14,589.96	\$12,816.00	\$11,544.62	\$13,914.00	\$11,544.62
1-500 kVA 3 Ph - 480Y	\$12,000.00	\$10,793.00	\$9,852.31	\$15,088.00	\$9,852.31
1-1500 kVA 3 ph - 480Y	\$27,514.00	\$22,282.00	\$20,277.10	\$34,389.00	\$20,277.10
1-2500 kVA 3 ph - 480Y	\$41,309.00	\$32,610.00	\$29,645.56	\$52,268.00	\$29,645.56
5-3 Ph xfmr box pad	\$2,710.60	\$5,534.00	\$4,483.22	\$5,315.00	\$4,483.22
1-PME-9	\$15,417.21	\$12,078.00	\$14,060.82	\$17,428.00	\$13,840.63
1-PME-11	\$16,775.79	\$12,884.00	\$15,440.21	\$16,390.00	\$13,970.83
2-Switch Pad	\$2,015.15	\$1,912.00	\$2,020.91		\$2,612.22
6-Fuse end fittings for PME	\$1,610.52	\$1,620.00	\$1,645.16		
9-SMU20 Fuses	\$1,044.00	\$1,125.00	\$1,066.45		
9-095200LN02B1 Fuse cab	\$0.00	\$45,630.00	\$43,457.14	\$51,831.00	\$43,457.14
4-CW366-22TH vaults	\$1,460.00	\$1,620.00	\$1,820.00	\$6,100.00	\$1,820.00
4- CW366-GS-22-36 sleeves	\$765.36	\$780.00	\$1,248.00		\$1,248.00
12-LJ215C4U modules	\$1,320.00	\$1,368.84	\$1,332.00		\$1,332.00
All material quoted	\$159,638.43	\$183,780.84	\$177,153.33	\$237,275.00	\$173,343.46
w/o Fused cabinets	\$159,638.43	\$138,150.84	\$133,696.19	\$185,444.00	\$129,886.32
			\$186,011.00		\$182,010.63
			\$140,381.00		\$136,380.64

5% adder for out of state

5% adder for out of state

Yellow indicates item bid uses 200 amp and not 600 amp cabinet

Gold indicated there was no quote submitted for this item.

Red indicates the lowest evaluated bid even after applying the 5% preference for in state suppliers.

MEETING DATE: JANUARY 3, 2012

DEPARTMENT: MAYOR AND COUNCIL

PREPARED BY: JENNI ROSENCRANSE

PRESENTED BY: JENNI ROSENCRANSE

AGENDA ITEM SUMMARY REPORT

Community Video Tour Book

ACTION TO BE TAKEN:

Approve an agreement between the City of Cody and CGI Communications, Inc., for a Community Video Tour Book to be placed on the City website for the purpose of marketing the City of Cody and authorize the Mayor to sign the agreement.

SUMMARY OF INFORMATION:

Mayor Nancy Tia Brown was contacted by CGI Communications, Inc., and offered to participate in creating a video tour of Cody. The tour consists of 6 one-minute videos about anything regarding Cody. CGI Communications is associated with the National League of Cities and has offered this service to at least two other Wyoming communities.

To produce these professional videos, there is no cost to the City of Cody, however, they require the Mayor to sign a letter on City Letterhead that CGI can use to solicit sponsors. The sponsors will be offered an ad that will be linked to the video tour book on our website, therefore offering exposure to their business from our website.

From the demonstration that the Mayor and I viewed and in talking with CGI representatives, we believe that this is an excellent opportunity for both the City of Cody and our business community.

FISCAL IMPACT

There is no financial impact on the City of Cody as the cost is free.

ALTERNATIVES

Deny the request and do not move forward.

ATTACHMENTS

Video Tour Book Agreement

AGENDA & SUMMARY REPORT TO:

AGENDA ITEM NO. _____

Dear Valued Business Owner:

The City of Cody is excited to announce the launch of a new program that we feel will have a significant impact on the promotion of our wonderful community. We have entered into a three year agreement with CGI Communications to produce a series of streaming online videos highlighting all our community has to offer its residents, visitors, and businesses.

CGI is a leader in online marketing solutions, working with thousands of communities and businesses nationwide. With an easily viewable interface on the official city website www.cityofcody-wy.gov, their video showcase will engage viewers in learning more about area attractions, economic development opportunities, quality of life, and so much more. The City of Cody is dedicated to highlighting the advantages of living and working in our community, and we feel that this program can do just that!

In addition, CGI will be contacting members of our local business community to offer participation in the program, as well as an opportunity to learn more about CGI's innovative new digital media products for businesses.

We encourage you to consider supporting the program, and learning more about all that CGI has to offer.

Sincerely,

Name
Title

Community Video Tour Book Agreement

CGI Communications, Inc. ("CGI")
130 East Main Street, 8th Floor
Rochester, NY 14604
(800) 398-3029 phone
(866) 429-8611 fax

Name: Nancy Brown
Title: Mayor
Address: 1338 Rumsey Ave
City, State, Zip: Cody, WY, 82414
Phone: 307-527-7511
Email: mayornancy@cityofcody.com
Website: www.cityofcody-wy.gov

This agreement is between CGI and the City of Cody ("City") and shall remain in effect from the date it is signed by both parties until the second anniversary of the date that the completed and approved Community Video Program is made available for viewing via a link on the www.cityofcody-wy.gov -website homepage for viewer access. This agreement may be terminated by either party for cause upon (30) days written notice. Cause is defined as failure of either party to perform any of the provisions of this Agreement or failure to make sufficient progress so as to endanger performance of this Agreement.

CGI Communications, Inc. and its eLocalLink division ("eLL") shall provide a Community Video Program as follows:

- Website Welcome video from your Mayor or other civic leader and an Education, Quality of Life, and Real Estate/Relocation video (approx. 1 minute in duration)
- Up to 2 additional videos to showcase various aspects of your community and/or organization (providing a total of six, 1 minute community highlight videos)
- Script writing and video content consultation
- A videographer will come to your location to film videos
- All aspects of video production and editing, from raw footage to final video including professional voiceovers and background music
- Final draft of Community Video Program content subject to your approval
- Patented OneClick™ Technology and encoding of all videos into multiple streaming digital formats to play on all computer systems, browsers, and Internet connection speeds; recognized player formats include WindowsMedia® and QuickTime®
- Store and stream all videos on CGI's dedicated server
- Business sponsors allowed on the perimeter of video panels
- Duration of sponsor participation will be one year or longer, as agreed by and between eLL and any sponsor. eLL is solely responsible for annual sponsorship fulfillment including all related aspects of marketing, production, printing, and distribution
- Viewer access of the Community Video Program from your website shall be facilitated by eLocalLink providing HTML source code for graphic link to be prominently displayed on the www.cityofcody-wy.gov website Homepage as follows: "Coming Soon" graphic link designed to coordinate with existing website color theme to be provided within 10 business days of execution of this agreement; "Video Tour Book" graphic link to be provided to replace the "Coming Soon" link upon completion and approval of videos
- eLL will own copyrights of the master Community Video Program
- City will assume no cost or liability for this project
- e-LocalLink/CGI Communications, Inc. will indemnify and hold the City of Cody, WY harmless from and against all claims, damages, losses, and expenses arising out of or resulting from any willful misconduct or negligence in CGI's performance of this Agreement, unless such claims, damages, losses or expenses solely result from the City's negligence. For purpose herein, the term "City", includes the City's officers, employees, and agents.

Program Add-On:

- Encoding, hosting, and streaming of additional 5 minutes of video per month. Finished video content will be provided to eLL by City
- SmartTrack™ measurement and tracking ability

The City shall provide or agree to the following:

- A letter of introduction for the program on City's letterhead
- Assistance with the content and script for the Community Video Program
- eLL using City's name and video content in connection with the production, and marketing of the Community Video Program
- eLL's right to display the "Coming Soon" graphic link prominently on the City website homepage within 10 business days of receipt of HTML source code
- eLL's right to display the "Video Tour Book" link to be no less than 150 by 400 pixels prominently on the City's above-delineated website Homepage for the term of this agreement
- In the event contract signatory changes, this Agreement shall remain valid until the agreed upon expiration/renewal date
- Exclusive streaming video rights for eLL, along with any of its parent companies, affiliates, successors and assigns, including but not limited to, CGI, CVN and relocate.org to stream all video content on its/their "Community Video Network"
- The City of Cody represents and warrants that any and all photographs, videos, and other content it submits to us for use in any video or other production does not infringe on any third party's copyrighted material, trademark or other intellectual privacy or publicity rights and shall defend and indemnify us from any such claim or action

This Agreement constitutes the entire agreement of the parties and supersedes any and all prior communications, understandings and agreements, whether oral or written. No modification or claimed waiver of any provision shall be valid except by written amendment signed by the parties herein.

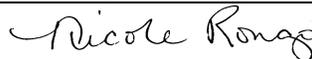
We, the undersigned, understand the above information and have full authority to sign this agreement.

The City of Cody, WY

CGI Communications, Inc.

Signature:

Signature:



Name (printed):

Name (printed): Nicole Rongo

Title: _____

Title: *Vice President* _____

Date: _____

Date: *12/28/2011* _____

MEETING DATE: JANUARY 17, 2012
DEPARTMENT: ADMINISTRATIVE SERVICES
PREPARED BY: SARA WEAD, ASSISTANT
ADMINISTRATIVE SERVICE OFFICER
DEPT. DIR. APPROVAL: _____
CITY ADM. APPROVAL: _____

AGENDA ITEM SUMMARY REPORT

Cooter Brown's LLC Liquor License Extension Request

ACTION TO BE TAKEN:

Approve a one year extension for Cooter Brown's LLC to become operational in a functional building at 1134 13th St.

SUMMARY OF INFORMATION:

State Statute 12-4-103 places a restriction on liquor licenses that the licensed enterprise must be open to business in a functional building within two years after license issuance or transfer. The licensing authority may extend the time period in which the business is required to become operational for a period not to exceed one year.

Cooter Brown's LLC holds a retail liquor license and due to damage to the building, became nonoperational as of January 18, 2010. The liquor license will be nonoperational for two years as of January 18, 2012. Kay Chandler has been remodeling the building at 1134 13th St and has requested a one year extension for the liquor license to become operational. The remodel is expected to be complete in the spring of 2012.

FISCAL IMPACT

None

ALTERNATIVES

Deny the request

ATTACHMENTS

Letter requesting extension

AGENDA & SUMMARY REPORT TO:

Kay Chandler 307-272-5108

AGENDA ITEM NO. _____

To: City of Cody, Wyoming

I am writing this letter asking the city of Cody to please grant a one year extension on the liquor license currently held by Cooter Browns LLC. The license held by Cooter Browns has not been utilized since the beginning of 2010. There have been many reasons for the inactivity of this license.

On December 6, 2011, Kay Chandler received a visit from Mr. Kelly Hunt with the State of Wyoming liquor division. Mr. Hunt informed Mr. Chandler that the liquor license held by Cooter Browns LLC required renewal in January 2012. Current State of Wyoming liquor law Title 12, Chapter 4, Article 1, states:

- 12-4-103. Restrictions upon license or permit applicants and holders; license limitation per person.
 - (a) A license or permit authorized by this title shall not be held by, issued or transferred to: Restrictions upon license or permit applicants and holders; license limitation per person.
 - (iv) Any licensee who fails to demonstrate that his licensed alcoholic or malt beverage enterprise will be operational in a planned but not physically functional building within two (2) years after a license or permit has been issued or transferred, or if holding a license, fails to open his business in a functional building within two (2) years after license issuance or transfer. Upon a showing of good cause by the licensee and for an additional period of not to exceed one (1) year, the local licensing authority may extend the time period in which the business or enterprise of the licensee is required to become operational or open for business pursuant to this paragraph.

On January 18, 2010, there was an unfortunate vandalism that occurred at the CB's/Cooter Browns building located at 1134 13th St. The vandalism caused CB's/Cooter Browns to close their operation until there was a proper investigation by the Cody Police Department. This investigation went on for quite some time, and was concluded without any evidence to who was to blame. Also during this time, The City of Cody deemed the building un-occupiable until the building passed an air quality test due to flammable liquids that were used in an attempted arson. During this process, owner J. Edwards could not operate the business causing him lack of operating capital and eventually a total loss of business. The forced closure of this establishment then had to be reviewed by attorneys and multiple insurance carriers. Once again, this process took over a year to resolve.

As of July 4 2011, Whole Foods Trading Co., owned by Kay and Shawna Chandler, entered into a contract with J. Edwards for the property at 1134 13th Street. In addition, Kay Chandler became a member of Cooter Browns LLC.

Starting in July 2011, Chandler Construction began clean up and renovations of the property. The renovations will include total clean up due to years of neglect, and new infrastructure.

(Plumbing, HVAC, Electrical, structural modifications, kitchen, and roof) The remodel process is expected to be complete by the spring of 2012. Upon completion, Whole Foods Trading Co. will then relocate to this location. Whole food Trading Co. will operate a healthy restaurant and local community style grocery in the majority of the building. Whole Foods Trading Co. will also incorporate a package liquor department thus utilizing Cooter Browns' liquor license (under the management of Kay Chandler) in a small portion of the building. Cody City Council has been informed of and approves of this plan.

Whole Foods Trading has incorporated the sales of liquor into their business plan and deem it a necessary part of the business to make it succeed. The Chandlers and Whole Foods Trading look forward to becoming a valuable part of the downtown businesses of Cody. We believe that these are justifiable occurrences that have lead to the need of a one year extension of the license held by Cooter Browns LLC.

MEETING DATE: JANUARY 17, 2012
DEPARTMENT: ADMINISTRATIVE SERVICES
PREPARED BY: CINDY BAKER,
ADMINISTRATIVE SERVICE OFFICER
DEPT. DIR. APPROVAL: _____
CITY ADM. APPROVAL: _____

AGENDA ITEM SUMMARY REPORT
Park County Animal Shelter – Spay/Neuter Clinic

ACTION TO BE TAKEN:

Consider a funding request in the amount of \$1,000.00 from Park County Animal Shelter to offset the cost of their Spay/Neuter Clinic.

SUMMARY OF INFORMATION:

Park County Animal Shelter (PCAS) is sponsoring a no cost Feline Spay/Neuter/Vaccination Clinic March 31st and April 1st. The cost of this clinic is \$5,600 or \$35 per cat. PCAS will provide this free service to feral, barn and domestic cats. Feral cats will be returned to the areas where they were trapped. Just this small clinic should target 160 cats and could prevent the unwanted births of 2,240 kittens. PCAS is requesting \$1,000 from the City, \$2,000 from the County and to date has raised approximately \$2,200 from donations and fundraisers.

FISCAL IMPACT

\$1,000.00

ALTERNATIVES

1. Approve the request
2. Deny the request

ATTACHMENTS

Agenda Request, Clinic Flyer and associated documents

AGENDA & SUMMARY REPORT TO:

Mary Whitmore

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.

Name of person to appear before the Council: Mary whitmore

Organization Represented: Park County Animal Shelter

Date you wish to appear before the Council: January 17, 2012 _____
Mailing Address: 643 Conifer Lane, Cody, WY 82414

Telephone: 578-8902

E-Mail Address: emwhitwy@yahoo.com _____

Preferred form of contact: Telephone E-Mail: Contact by e-mail

Names of all individuals who will speak on this topic: __Mary Whitmore__

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

I'm working with Park County Animal Shelter (PCAS) as the Chair of the Spay/Neuter committee.

PCAS is sponsoring a No Cost Feline Spay/Neuter/Vaccination Clinic March 31 and April 1. (Tentatively located in the Cody National Guard Armory)

I would like provide the Council with information about why this Spay/Neuter Clinic is important to the City and request funding support. Spay/Neuter Announcement Attached.

Last year the Animal Shelter had a record number of cats - over 90 in the Shelter at one point. We are currently down to the 60's and the normal space available for cats is 60 to 65.

PCAS recognizes the need to provide low or no cost spay/neuter opportunities for the residents of Cody. I have written a letter to Representative Sam Krone asking for State involvement in providing spay/neuter requirements, educational programs and funding for shelters, rescue groups and spay/neuter clinics. Letter Attached.

Just this small clinic that targets 160 cats would prevent the unwanted births of 2240 kittens. Assumptions Attached.

The cost of this clinic is \$5600 or \$35 a cat for spay/neuter/vaccinations for rabies and distemper. We will do feral, barn, and domestic cats. Feral cats will be returned to the areas where they were trapped.

I'm requesting \$1000 from the City to help with this clinic. I'm requesting \$2000 from the County also. To date we've raised approximately \$2200 from donations and fundraisers. We have also applied for grants for future clinics but the competition is tremendous. We plan to hold another Spay/Neuter clinic in the fall for both dogs and cats.

I believe the City should help with this clinic because it will reduce cat overpopulation in Cody. It would be a positive step by the City to be involved in a solution to pet overpopulation.

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

Signature: *Mary Whitmore* Signature Date Submitted : January 4, 2012

Revised 3/2007



Park County Animal Shelter
5537 Greybull Highway
P.O. Box 203
Cody, WY 82414
307-587-3110 parkcountyanimalshelter.org
loveonaleash@tctwest.net
Federal Tax ID 83-0294762

The March 31, April 1 Feline Spay Neuter Vaccination Clinic has the potential of preventing the births of 2240 unwanted kitties.
Proposal to Spay/Neuter 80 cats per day (2 day clinic.)
Assumption:
½ are female
80 females spayed during 2 day event

Assumptions:
Each litter born consists of 2 males and 2 females

All females become pregnant every four months

50% of kittens will perish before reaching reproductive age

These are average statistics used to calculate the potential population growth in unmanaged cat colonies.

80 females
Give Birth To...

320 kittens (160 female; 80 survive)
Four Months Later...

160 females
Give Birth To...

640 kittens (320 females; 160 survive)
Four Months Later...

320 females
Give Birth to ...

1280 kittens (640 female; 320 survive)

Note:
In reality, litters will vary in size from 2-8 kittens
Not all females will become pregnant every four months, though the possibility exists

For a total of 2240 kittens born, and 640 breeding females to start the next 12-month period.

Park County Animal Shelter No Cost Spay/Neuter Clinic For Feral, Barn, & Domestic Cats

March 31 & April 1, 2012 (Saturday and Sunday)

Location to be determined



This is a community assistance program. Please don't displace those in the community who are in need.

**CALL (307) 578-8902
FOR AN APPOINTMENT
TO VOLUNTEER, or TO DONATE!**

We have spaces for only 160 cats so call now.
We will spay/neuter and vaccinate for rabies and distemper

Volunteers needed:

Greeters, Check-in/out, Pre-Op, Vets, Vet Techs, Recovery, Autoclave, Kitchen, Errands, Clean-up, Laundry, Trap/Release of feral cats

Supplies & Other Needs:

Crates/Carriers, Blankets/Sheets, Chairs/Tables, Lodging for out-of-state vets, Food & Drinks for Volunteers

December 29, 2011

Representative Sam Krone

RE: Funding to Reduce Pet Overpopulation in the State of Wyoming

Dear Representative Krone:

This is a request for State Funding and Programs to Address the Problem of Homeless Pets and Pet Overpopulation in Wyoming.

Non Profit No Kill Animal Shelters in Wyoming are facing hard times. The current economy has forced many people to surrender their pets to shelters and some to just abandon them. Our Animal Shelter has become perpetually overcrowded, and we currently have no room for cats and little room for dogs. The current economy has also taken its toll on raising funds to support day to day Shelter operations. It has been even more difficult to get funding and support for low-cost or free spay and neuter clinics which provide real solutions to pet overpopulation.

It's time for the State to step up and address the problem of homeless pets and pet overpopulation.

First, we need a State program that addresses pet overpopulation. We need to provide low income Wyoming residents access to low-cost/or free spay/neuter clinics for pets. We need to require that all Wyoming residents spay/or neuter their pets and vaccinate them. We need a program that educates Wyoming residents about the benefits of spay/neuter and vaccinations not only for their pets but for the community at large.

Second, we need a State program that provides additional funding for Non Profit No Kill Animal Shelters since most provide the following services to their communities: temporary homes for lost, abandoned, neglected, and homeless pets until permanent homes can be found. These include food, shelter, socialization, medical, vaccinations, and spay/neuter services. These Shelters are a place where animals are treated humanely until they get a second chance.

Why should the State provide low-cost/or free spay neuter clinics and support Non Profit No Kill Animal Shelters? Some would say just kill the animals. But that does not solve the problem and what does that say about Wyoming?

The following are some suggestions on funding and controlling pet overpopulation:

- Fees from the licensing of pets, showing proof of rabies and spay/neuter
- Additional % on sales taxes for pets.
- A State requirement that all dogs and cats are spayed or neutered
- A State license requirement for Breeders including inspections of facilities.
- Mobile Spay/Neuter Clinics
- A program working with local veterinarians to provide low-cost spay/neuter/vaccination services to low income families.

Sincerely,

Mary Whitmore (Volunteer Park County Animal Shelter and Spay/Neuter Committee Chair)

MEETING DATE:	JANUARY 17, 1012
DEPARTMENT:	PUBLIC WORKS
PREPARED BY:	STEPHEN PAYNE
DEPT. DIR. APPROVAL:	_____
CITY ADM. APPROVAL:	_____
PRESENTED BY:	STEPHEN W. PAYNE

AGENDA ITEM SUMMARY REPORT

Summit Housing Group – 40 Unit Community

ACTION:

Summit Housing Group has requested a letter of support from the Mayor and Council for their project off of Cougar Ave.

SUMMARY:

Summit Housing Group has purchased a 3.15 acre parcel off of Cougar Ave. The group plans to develop a 40 family apartment complex, Oregon Trail Apartments, with the following set up:

- (2) Two Story Buildings.
- 32 – 2 bedroom units
- 8 – 3 bedroom units

Summit Housing Group, Inc. is applying for 2012 Low Income Housing Tax Credits (LIHTC) from the WCDA on January 31, 2012 as developer of Oregon Trail Apartments.

FISCAL IMPACT

The applicants have not asked for any incentives from the City, so it does not appear there will be any costs to the City for the project.

ALTERNATIVES

1. Deny the request for a letter of support.
2. Approve the request for a letter of support.

RECOMMENDATION

The Park County Housing Assessment indicates that on a cumulative basis, lower income households are expected to represent about 65 % of the total rental housing market. The study also indicates that lower income households include persons who are the backbone of various industries in the Park County economy. It would appear that there is a shortage of affordable housing in Park County and this proposal will help to address the need.

ATTACHMENTS

- Short Narrative Cody
- Cody Family 40 Unit Site Plan
- 2011-12 Housing Example
- Oregon Trail Two Story Elevation
- Agenda Request for Letter of Support.

AGENDA & SUMMARY REPORT TO:

N/A

AGENDA ITEM NO. _____

Oregon Trail Apartments

Summit Housing Group, Inc. is applying for 2012 Low Income Housing Tax Credits (LIHTC) from the WCDA on January 31, 2012 as developer of Oregon Trail Apartments. The Limited Partnership will be Oregon Trail Apartments, LP. The General Partner is BHL Development, Inc. The property will be managed by Highland Property Management, Inc. All entities are 100% owned by Scott Long, a Montana resident.

Summit Housing Group, Inc. has developed 666 finished units in Montana and Wyoming from 2003 through 2010 and is currently developing 90 additional units in Sheridan, Wyoming. We have a great working relationship with the WCDA and the lenders and the investors necessary to put this type of development together. Awards are usually announced near the end of April. At that point we would take the deal through the necessary city approvals and start construction in September 2012. We anticipate starting lease up of the apartments approximately 10 to 12 months later (July or August of 2013).

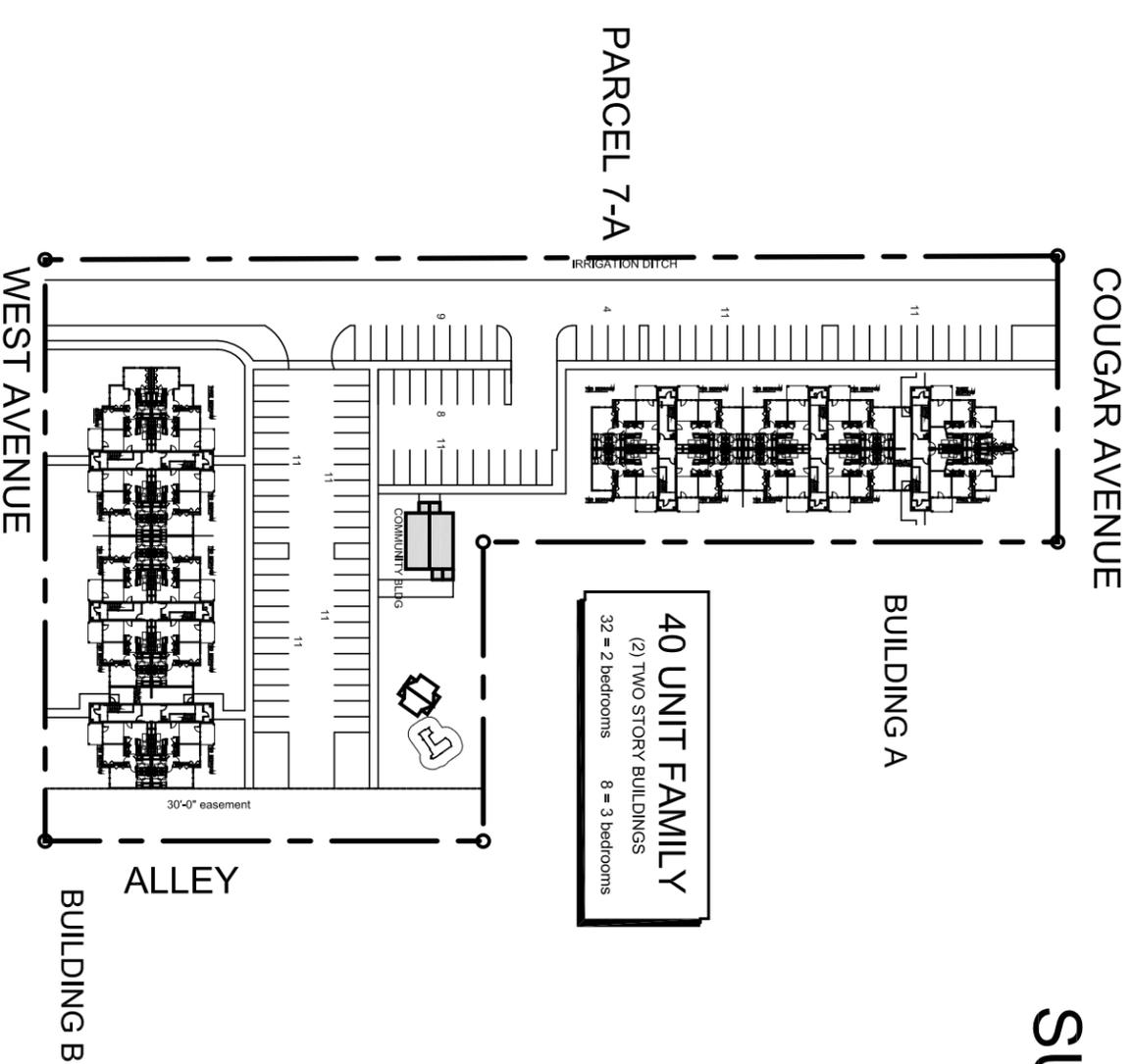
Oregon Trail Apartments will be located at TBD Cougar Ave, Cody, WY 82414, also known as Fenex Subdivision Part of lots 7 and 8 shown as Lot &-A on boundary adjustment Plat J-113 (3.15 ac.). Total project costs are \$6,353,378. Estimated annual tax credits are \$561,147. Assumed pricing for these tax credits is \$.85 or \$4,769,273 total. Construction loan is \$4,192,15 and the permanent loan is \$685,105.

Oregon Trail Apartments will consist of 2 and 3 bedroom units in the Low Home and 45% Area Media Income (AMI) rent levels and will be targeted to maximize the need identified by our current market study. The breakdown of rents is noted below.

Income Level	# of units	Gross Max. Rent	Utility Allowance	Net Max. Rent	Mkt. Rental Adjustment	Net Rent	Rent Totals	Total Sq. Ft
1-BR @ 40%	0			0	0	0	0	0
2-BR @ 40%	5	653	86	567	0	567	2,835	5,075
3-BR @ 40%	2	799	100	699	0	699	1,398	2,348
	<u>7</u>	<u>17.95%</u>						
1-BR @ 45%	0				0	0	0	0
2-BR @ 45%	27	691	86	605	(0)	605	16,335	27,405
3-BR @ 45%	5	799	100	699	(0)	699	3,495	5,870
Tot. 45%	<u>32</u>	<u>82.05%</u>						
1-BR @ 50%	0				0	0	0	0
2-BR @ 50%	0	0	0	0	(0)	0	0	0
3-BR @ 50%	0	0	0	0	(0)	0	0	0
Tot. 60%	<u>0</u>	<u>0%</u>						<u>0</u>
Total Rentable	39							
Mgrs. Unit	1	3 bed MGR					0	1174
	<u>40</u>	1 bedroom converted to office					<u>24,063</u>	<u>42,586</u>

Unit Sq. Ft.	
1 bdrm.	0
2 bdrm.	1,014
3 bdrm.	1,174

SUMMIT HOUSING GROUP



BUILDING A

(16) 2 bedrooms & (4) 3 bedrooms

BUILDING B

(16) 2 bedrooms & (4) 3 bedrooms

1" = 100'-0"

PROPOSED CODY WYOMING FAMILY SITE PLAN

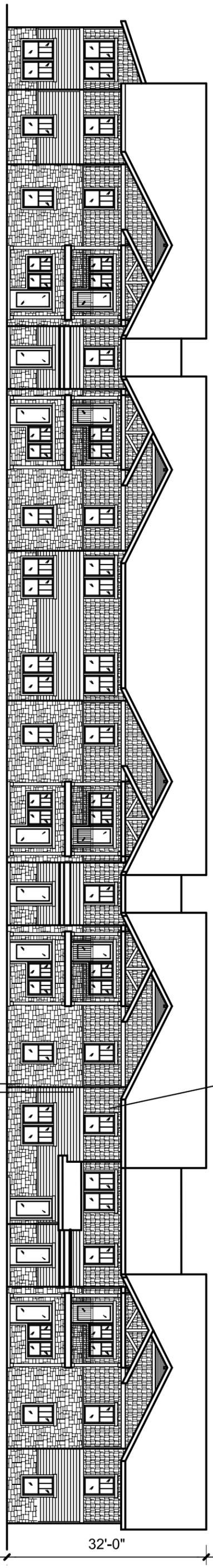
1/2012

3.15 ACRES

Parking Requirements

REQUIRED OFF STREET PARKING: MULTI FAMILY
8-3 BEDROOM/2.5 PER D.U.=20
32-2 BEDROOM=2 PER D.U.=64
TOTAL REQUIRED=84 SPACES REQUIRED, 98 SHOWN

SUMMIT HOUSING GROUP



6" HARDI SHINGLE OR EIFS

6" HARDI LAP OR EIFS

ROCK WAINSCOT

1

Building Front Elevation

1/16" = 1'-0"

PROPOSED OREGON TRAIL APARTMENTS ELEVATIONS

1/2012

CODY, WYOMING

Lolo Vista Apartments

Project Financing

In 2010, the Montana Board of Housing awarded Summit Housing Group, Inc. \$607,500 in annual tax credits for 10 years. Summit Housing Group syndicated the tax credits through Boston Capital for \$4,252,075. Construction and permanent financing was provided by Boston Capital Affordable Housing Mortgage Fund. The total project cost was \$6.05 million.

A special thanks to ALL who made this development possible:

Montana Board of Housing

(LIHTC Allocating Agency)

DB Development, Inc. (General Partner)

Boston Capital Corporate Tax Credit Fund XXXIII,

L.P. (Limited Partner)

Boston Capital (Tax Credit Syndicator)

Boston Capital Affordable Housing Mortgage

Fund (Construction and Permanent Lender)

Highland Property Management, Inc.

(Property Manager)

Summit Housing Group, Inc. (Developer)

Quality Construction

(General Contractor)

Gavin-Hanks Architectural Studio (Architect)

Territorial Landworks, Inc. (Civil Engineer)

Beaudette Consulting Engineers (Structural Engineer)

DC Engineering (Mechanical Engineer)



Summit Management Group, Inc.

283 W. Front Street
Suite 1
Missoula, MT 59802
P: 406-541-0999

www.summit-managementgroup.com
www.highland-propertymanagement.com
www.summithousinggroup.com

E: lvainfo@highland-propertymanagement.com
P: 406-493-0912

Lolo Vista Apartments

Providing Affordable Housing for Montana Families

A Project by Summit Management Group, Inc.

“AMENITIES MEET AFFORDABILITY”

Low Income Housing Tax Credits (LIHTC)

The Low Income Housing Tax Credit (LIHTC) was created as part of the Tax Reform Act of 1986 to produce affordable housing. Based on a study by the National Association of Homebuilders,* LIHTC is the **most successful** affordable rental housing production program in U.S. history. The program is a model public-private partnership which recently has added \$6.8 billion in income and 90,000 full time jobs annually across the United States.

For a LIHTC project to be successful, a developer must first receive an allocation of tax credits from the allocating agency through a competitive application process. The tax credits are then sold to private investors through syndicators to raise equity for the project. Compliance is monitored by the allocating agency, syndicator, investor and developer, resulting in a very low foreclosure rate.

After extensive market analysis, we determined that Lolo would be a prime location for a multi-family LIHTC project. Our market study, prepared by Property Dynamics, estimated a vacancy rate in the Lolo area of 2-3% and a need for 112 new affordable rental units.

1st year impact of the project*:

- 49 local jobs created
- Over \$3 million in local income
- \$330,000 in taxes and other revenue for local government

*According to research by NAHB, 2010



Lolo Vista Apartments

The Lolo Vista Apartments provide 40 units of safe and affordable housing for work-force families in Lolo, Montana and the surrounding areas. These two and three bedroom units are reserved for families with incomes at or below 40%-60% of the area media income and will continue to be rent restricted for the next 46 years.

Average market-rate rents in Lolo range from \$665-\$857 per month. Rents at the Lolo Vista Apartments are \$461-\$805, depending on the number of bedrooms and income. Amenities include energy efficient appliances, washers/dryers, extra storage, air-conditioning, covered parking and a children's playground.

Summit Management Group, Inc.

Summit Management Group, Inc is a Montana-based real estate development and property management company with 29 employees, 19 located in Montana. Our primary focus is on the development and management of affordable housing using federal tax credits through our two subsidiaries, Summit Housing Group, Inc. (development) and Highland Property Management, Inc. (property management). Since 2002, Summit Management Group, Inc. has built and manages 638 multi-family units using tax credits, 166 located in Montana.

“HELPING MONTANA
BENEFIT AND GROW
ECONOMICALLY”

Economic Benefits

The LIHTC program, through the sale of tax credits, brings out-of-state investment into Montana, thus creating economic growth. According to the NAHB, these 40 units will add 49 local jobs in the first year alone. It will also bring in over \$3 million in local income, as well as \$330,000 in taxes and other revenue for local government.

Community Benefits

A LIHTC project such as Lolo Vista Apartments brings benefits to the community by providing a stable and safe family environment. As opposed to other housing programs, it encourages residents to improve their financial situation. Residents initially qualify for a unit based on their income, however if their income increases due to a promotion or working more hours, they are not disqualified from living in their LIHTC unit. Additionally, a LIHTC community provides other benefits when a share of the local income earned during construction is spent and recycled in the local economy.

Summit Management Group, Inc.



Proposed Family Apartments

Summit Housing Group, Inc.
283 W. Front Street, Suite 1
Missoula, MT 59802
Phone (406) 541-0999



ECONOMIDES ARCHITECTS, LLC

912 COOLIDGE ROAD
EAST LANSING, MI 48823
PHONE (517) 351-6720
FAX (517) 351-4120

MEETING DATE:	JANUARY 17, 1012
DEPARTMENT:	PUBLIC WORKS
PREPARED BY:	STEPHEN PAYNE
DEPT. DIR. APPROVAL:	_____
CITY ADM. APPROVAL:	_____
PRESENTED BY:	STEPHEN W. PAYNE

AGENDA ITEM SUMMARY REPORT

Ordinance No. 2012-01

ACTION:

Staff is requesting that the Mayor and Council approve on first reading Ordinance No. 2012-01, an ordinance amending section 9-3-7 of the City of Cody Municipal Code pertaining to persons excluded from requirements of licensing requirements.

SUMMARY:

In November, 2011 the Contractors Board voiced a concern that the City of Cody was not holding itself to the same standards as required for contractors doing work within the City. That is to say, the City could hire work to be completed by contractors and they would not have to be licensed. Under the current municipal code, section 9-3-7, any person who is under contract and bond to the city for any municipal work shall be excluded from the requirements of obtaining a license and furnishing the bond required by this chapter.

Ordinance 2012-01 addresses the primary concerns voiced by the Board. Those concerns were as follows:

1. Only licensed contractors should be working on buildings.
2. City employees should not be completing General Contracting or Class B license work.

Ordinance 2012-01 addresses the concerns and offers that following language change:

9-3-7: PERSONS EXCLUDED FROM REQUIREMENTS OF CHAPTER:

The following shall be exempt from the licensing requirements of Title 9, Chapter 3, pertaining to licensing of contractors:

- a. Any person performing work for or on behalf of the City of Cody for municipal utility work, whether as an employee or contractor, excluding work on buildings;
- b. Employees of the city of Cody performing work on city projects that would normally require a Class C license. Employees shall also be exempt from the bond requirements of this chapter. All Class C work completed by city employees shall still require a building permit and inspection by the Building Official.

The Ordinance outlined above was presented to the Contractors Board at their December 15, 2011 meeting and was accepted by the Board.

FISCAL IMPACT

It is not known what the cost of the ordinance will be to the City. Since 1995, I am only aware of a single instance where the City contracted for a building to be built by a contractor that was not a licensed contractor.

AGENDA ITEM NO. _____

ALTERNATIVES

1. Leave the Ordinance as is acknowledging that the City does work through a competitive bid process. The competitive bid process requires a signed contract, performance bonds and inspections by a licensed engineer as well as by the building official.
2. Approve the first reading or the Ordinance as written. The approval will help to eliminate concerns that the City treats itself any differently that it does others.

RECOMMENDATION

Staff recommends that the Mayor and Council approve on first reading Ordinance No. 2012-01, an ordinance amending section 9-3-7 of the City of Cody Municipal Code pertaining to persons excluded from requirements of licensing requirements.

ATTACHMENTS

Ordinance 2012-01

AGENDA & SUMMARY REPORT TO:

N/A

ORDINANCE NO. 2012- 01

AN ORDINANCE AMENDING SECTION 9-3-7 OF THE CITY OF CODY MUNICIPAL CODE PERTAINING TO PERSONS EXCLUDED FROM REQUIREMENTS OF LICENSING REQUIREMENTS

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

Section 9-3-7 SHALL READ AS FOLLOWS:

9-3-7: PERSONS EXCLUDED FROM REQUIREMENTS OF CHAPTER:

The following shall be exempt from the licensing requirements of Title 9, Chapter 3, pertaining to licensing of contractors:

- a. Any person performing work for or on behalf of the City of Cody for municipal utility work, whether as an employee or contractor, excluding work on buildings;
- b. Employees of the city of Cody performing work on city projects that would normally require a Class C license. Employees shall also be exempt from the bond requirements of this chapter. All Class C work completed by city employees shall still require a building permit and inspection by the 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: _____

PASSED ON SECOND READING: _____

PASSED ON THIRD READING: _____

Nancy Tia Brown, Mayor

ATTEST:

Cynthia Baker, Administrative Services Officer

MEETING DATE: JANUARY 17, 2012

DEPARTMENT: MAYOR AND COUNCIL

PREPARED BY: JENNI ROSENCRANSE

PRESENTED BY: JENNI ROSENCRANSE OR
SCOTT KOLPITCKE

AGENDA ITEM SUMMARY REPORT

Ordinance 2012-02 and Ordinance 2012-03: Liquor Licensing Criteria

ACTION TO BE TAKEN:

Approve Ordinance 2012-02 and Ordinance 2012-03 on 1st Reading.

SUMMARY OF INFORMATION:

During the last budget session, a bill was passed that increased the number of Bar and Grill Liquor Licenses local governments could have. In addition, at the conclusion of the US Census in 2010, the new population formula allotted the City of Cody an additional Bar and Grill License and an additional Retail Liquor License. In anticipation of issuing these two licenses, the City Council formed a committee including Council Members Edwards, Fritz and Wolz along with Jenni Rosencranse, City Administrator, Sara Wead, Assistant Administrative Services Officer and City Attorney, Scott Kolpitcke to draft an ordinance regarding criteria to be met in order to apply for a new liquor license. Therefore, the committee has drafted Ordinance 2012-03 that sets criteria for liquor license applications. In summary, it requires a business plan, and a criminal history check to be performed by all applicants.

Additionally, the committee was tasked with creating a point system for violations of State Statutes and City Ordinances pertaining to alcohol. The current ordinance is very broad and vague in determining the criteria in which a license can be suspended and/or revoked. Ordinance 2012-02 sets the point system applicable to specific violations and outlines the process for how a license can be suspended and/or revoked. It is very specific and eliminates any subjectivity of the process.

The committee has worked on these ordinances since June of 2011 and has met with the license holders on three separate occasions in an effort to craft the ordinances to meet the goal of the City, but also to seek out and address any concerns of the license holders. While we are sure that we did not address every concern, we feel that the ordinances that are before the Council for consideration have had significant input, thought and modification throughout the process.

FISCAL IMPACT

There is no financial impact to the City of Cody.

ALTERNATIVES

ATTACHMENTS

AGENDA ITEM NO. _____

Ordinance 2012-02
Ordinance 2012-03

AGENDA & SUMMARY REPORT TO:

Lynne Lampe – Representative for the Park County Liquor Association theterrace@qwestoffice.net

ORDINANCE NO. 2012 – 02

AN ORDINANCE AMENDING TITLE 3, CHAPTER 2, ARTICLE II, SECTION 15 OF THE CITY OF CODY CODE: SUSPENSION OR REVOCATION OF LICENSE

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

Section 3-2-15 of the City of Cody Code shall be amended as follows:

Section 3-2-15 Suspension and Revocation of Licenses

A. The City of Cody believes that it is in the public interest to ensure that liquor license holders operate and maintain their businesses in compliance with the law. If a license holder fails to comply with local, state or federal laws, the license holder shall be subject to the provisions herein. The City hereby establishes a point system for determining appropriate penalties, including but not limited to fines, suspension of license or revocation of the license.

B. Violations of this chapter, and any violations of City Code, State law or other regulations pertaining to alcoholic beverages by any employee or agent of the licensee, while acting in the service of licensee, shall be imputed to the licensee for the purposes of this section. A licensee will acquire points upon conviction, or upon a plea of guilty or no contest by his or her employee or agent to any violation of the City of Cody Code, State law or other regulation pertaining to alcohol or liquor regulations while employed by or acting in the service of the licensee.

C. The number of points specified below will be assessed to a licensee as a result of conviction, guilty plea or no contest plea of the licensee, the licensee's employees or agents acting in the service of the licensee, or as a result of other violations described below.

Type of Violation	Points
Furnishing alcohol to individuals under 21	20 (1 st violation) 30 (Any subsequent violation within 24 months of any prior violation)
Dispensing room Violations: age violation (W.S. 12-5-203); open beyond permitted hours (W.S. 12-5-101).	10 (1 st violation) 20 (Any subsequent violation within 24 months of any prior violation.)
Making a willful false statement to the City or the State of Wyoming, including but not limited to false information or statements on applications or other documents submitted to the City or	60

State of Wyoming.

Failure to pay or report sales Tax within five (5) days of notice to city of delinquency.	10 for the first violation; 20 for each subsequent Violation.
Failure to correct or cure violations or deficiencies within specified time after receiving notice from the City of Cody or State of Wyoming. If no time is specified in the notice, licenses must comply within ten business days of such notice, or submit a plan, acceptable to the City, for compliance if compliance is not reasonably feasible within ten days.	10
Failure to comply with a suspension order	60
Failure to comply with specifications, drawings, plans and conditions of approved permit.	10
Allowing, permitting, engaging in, promoting, or failing to stop other illegal activities on the licensed premises, including but not limited to gambling, prostitution, or public indecency (W.S. 12-5-204; W.S. 6-4-101; W.S. 6-4-201; W.S. 6-7-102; W.S. 6-4-302).	60
Other violations of City of Cody Ordinances, State law or other regulations Pertaining to the sale or distribution of alcohol or liquor.	10 (1 st violation) 20 (Any subsequent violation within 24 months of any prior violation.)

D. Notification of licensee of alcoholic beverage violations

Upon the City receiving information of a violation by a licensee, the Administrative Services Director or his or her designee shall provide the licensee with notice of the violation. Such notice shall be served by certified mail, return receipt requested, to the address of the licensee listed on the licensee's most recent liquor license application to the City. The notice shall state that a violation has occurred and that the licensee will be assessed points for that violation. The notice shall state the nature and date of the violation and the number of points that have been attributed to the licensee. The notice shall further state that the licensee may request a hearing within 10 days of receipt of the notification, to be conducted by a hearing officer, to contest the proposed action. The hearing shall be conducted as described in subsection H through P below.

E. Penalties

1. Any licensee acquiring 60 points in a 24-month period shall have its license suspended for three (3) consecutive days.

2. Any licensee acquiring 120 points in a 24-month period shall have its license suspended for seven (7) consecutive days.

3. It is declared to be a gross violation, both of this section of the City of Cody Code and for purposes of license revocations provided in Title 12, Chapter 7 of the Wyoming Statutes, for a licensee to have its license suspended three (3) times in any 48-month period. In the event of a gross violation, the City Council may authorize a petition to the district court pursuant W.S. §12-7-201 to revoke a licensee's license, in addition to imposing the applicable suspension of the liquor license pursuant to this section.

4. The sanctions provided in this section for points are cumulative, and therefore, points may result in multiple sanctions. Accumulated points shall not be excused at the end of the license or calendar year, but shall instead continue to be counted against the licensee for the periods described in this section of the code.

5. In the event of a license suspension pursuant to this section, the City Council shall select the dates when the licensee shall have its license suspended, such suspension shall be imposed during the first full week following the final decision by the Governing Body, and shall begin on a Wednesday.

6. If an employee of a licensee violates state laws or city ordinances pertaining to furnishing of alcohol to persons under 21, or pertaining to underage persons in the dispensing room, and those violations are the first or second such violations occurring within that licensee's establishment, the licensee may reduce the number of points assessed by such violation if, within forty-five (45) days of the violation, the licensee schedules and completes an approved training program for its employees to educate them regarding lawful and responsible sales and service of alcohol, including but not limited to prevention of underage drinking. The training program or course shall be conducted or approved in advance by the State of Wyoming Liquor Division or the City of Cody Police Department. Upon proof of scheduling and completion of such training, the licensee's points from the most recent violation shall be reduced proportionally by the percentage of their staff that completes the training. For example, if 50% of the staff employed by the licensee provides proof acceptable to the City of completing the training, then the licensee's points from the last violation shall be reduced by 50%. The employees who take the training shall include, at a minimum, the employee(s) who received a citation or whose action or inaction caused the violation, unless that employee is no longer employed by the licensee. The licensee may also count and receive credit for employees who have taken an approved training program or course in the twelve months immediately prior to the violation and who are still employed by the licensee at the time of the violation. In order to receive the reduction in points pursuant to this section, the licensee shall submit payroll records showing the number of employees, and names of employees who work for the licensee. If the licensee employs staff in a capacity completely unrelated to and separate from its restaurant and alcohol serving business, the licensee shall include those employees on its payroll records which it submits to the City, and shall designate those employees as "non-alcohol related." Those employees shall be excluded from the calculation of the percentage of the staff which completed the training. For example, if the licensee operates a motel or hotel in addition to its restaurant and / or bar, those employees employed exclusively as hotel / motel staff (i.e. maid service, check-in staff, maintenance staff) shall be excluded. Any and all employees who work in any capacity whatsoever in the restaurant and / or bar where alcohol is served shall be included in the calculation of the percentage of the employees.

F. A licensee who has accumulated sufficient points to warrant suspension or revocation of a license shall be notified in writing of the proposed sanction, the reason for such sanction, including the dates and types of the specific violations. The written notice shall inform the licensee that the licensee may request a hearing before an independent hearing officer.

G. If the licensee does not request a hearing, the Administrative Services Director will, upon the expiration of 10 days from the licensee receiving notice of the violation, send notification to the licensee assessing the points and shall assess the penalty against the licensee as indicated above. If the violation includes a suspension or revocation, the Administrative Services Director shall specify the effective dates of the suspension or revocation.

H. If the licensee wishes to have a hearing, the licensee shall request such hearing in writing within ten (10) days of the date of the notice of violation. The written request shall be submitted to the Administrative Services Director, and shall state the specific issues for which the licensee is seeking review. Unless otherwise agreed by the parties, the hearing shall take place within forty-five (45) days of receipt of the licensee's request for a hearing. The date of the hearing may be extended beyond the forty-five day period at the mutual agreement of both parties.

I. The Governing Body shall select and appoint an impartial and objective hearing officer to conduct a hearing called for by these provisions. The hearing officer shall be an independent contractor, and not an employee of the City, and shall be entitled to a reasonable fee for his or her services and reimbursement for reasonable expenses incurred in connection therewith. The fees, expenses and costs of the hearing officer shall be shared equally between the City and the licensee.

J. The licensee may appear at the hearing in person and through counsel. The licensee will be given an opportunity to present evidence and argument on the relevant issues. The rules of evidence for the hearing shall be governed by the Wyoming Administrative Procedure Act, W.S. §16-3-112.

K. At the hearing, the licensee shall bear the burden of proving by preponderance of the evidence that the assessment of a suspension or other sanction against the licensee is in error, or in violation of City Code or State law.

L. The City shall make a record of the proceeding.

M. The hearing officer shall be the presiding officer at the hearing, and shall have authority to conduct the hearing, administer oaths, make rulings on evidence to be received or considered, subpoena witnesses, compel the testimony of witnesses, regulate the course of the hearing, hold conferences for the settlement or simplification of the issues, require written briefs from the parties clarifying the respective legal or factual positions; grant continuances for good cause shown; punish contempt by removal from the hearing location and take any other action authorized by law, consistent with these ordinances, or require to fulfill his or her duties.

N. The Rules of Civil Procedure for the State of Wyoming, insofar as the same may be applicable, and not inconsistent with the laws of the State of Wyoming, or with these ordinances, shall apply to the proceedings under this section.

O. Within twenty days after the hearing, the hearing officer shall issue proposed findings of fact and conclusions of law, which the hearing officer shall deliver to the City and to the licensee. The Governing Body shall then act on the hearing examiner's proposed findings of fact and conclusions of law within thirty (30) days of the date of the hearing officer's decision.

P. If the licensee requests a hearing, and then fails to appear for the hearing, and fails to give notice of his intent to withdraw his request for the

hearing at least two business days prior to the hearing, the licensee shall be responsible for all fees, costs and expenses of the hearing officer, and other costs and expenses incurred by the City in preparation for the hearing and at the hearing itself, including attorney's fees. If the licensee fails to appear for the hearing, the failure to appear shall be deemed a waiver of the request for a hearing, and the council shall proceed with the proposed sanction without a hearing at any time.

Q. Action by the City Council to suspend a licensee's license shall be subject to review in the district court upon exhaustion of the hearing process in accordance pursuant to this ordinance.

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. 2012 - 03

AN ORDINANCE AMENDING TITLE 3, CHAPTER 2, ARTICLE II, SECTION 10 OF THE CITY OF CODY CODE: NUMBERS, APPLICATION, ISSUANCE AND REGULATION OF LICENSES AND LICENSEES

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

Section 3-2-10 of the City of Cody Code shall be amended as follows:

Section 3-2-10 NUMBERS, APPLICATIONS, ISSUANCE AND REGULATION OF LICENSES AND LICENSEES

- A. The qualifications, restrictions, limitations and numbers of licenses and permits shall all be governed by Wyoming Statutes Title 12, as amended, and by the provisions of this Title.
- B. All applications for a license, permit, renewal or transfer shall be made to the governing body and shall be made upon the appropriate form prepared by the State of Wyoming, and furnished to the City. All applications shall be filed in the office of the city clerk. In addition to the information required by state law, each applicant shall also provide the following information with the application to the City:
 - 1. Applicants for transfers of ownership and for new liquor licenses including but not limited to retail, restaurant, microbrewery, winery and bar and grill licenses shall provide to the City a criminal history back ground check for the previous ten years. The criminal history shall remain confidential pursuant to state law, and shall not be disclosed to the public. If the applicant is a partnership, each partner shall submit the criminal history information. If the applicant is a privately held corporation, each officer, director and stockholder holding either jointly or severally, ten percent (10%) or more of the outstanding and issued capital stock of the corporation shall provide the required criminal history information. If the applicant is a limited liability company, each officer, manager and member holding, either jointly or severally, ten percent or more of the outstanding ownership of the limited liability company, shall provide the required criminal history information. If the applicant is a publicly traded corporation, the on-site manager or managers (if there is more than one) shall provide the required criminal history information. If the application is approved, each time a new manager is hired, that manager shall provide the criminal history information to the City within forty-five (45) days of hire. If the applicant is a non-profit organization, the organization shall be exempt from a criminal history background check. A non-profit organization shall provide documentation of its non-profit status to the City in lieu of providing the criminal history information. Such documentation shall include documentation from the Internal Revenue Service showing the organizations tax-exempt status, and / or documentation from the State of Wyoming showing the non-profit status of the organization.

2. Each applicant applying for a new liquor license including but not limited to retail, restaurant, microbrewery, winery, and bar and grill licenses, or for a transfer of ownership for a retail liquor license, shall submit a business plan. The City shall provide a written summary providing general guidance as to what information should be in the plan, including what information shall be required.
- C. The approval of any application for the issuance of any license or permit, or the renewal or transfer, shall be discretionary with the governing body. In making a decision on any application for a new license or transfer of ownership, the City shall consider the information in the application, including the criminal history, the business plan, and all other information presented to the City at or prior to the public hearing. The City may deny a license based on any information provided in the application, including the criminal history check and the business plan, and on any information received at or prior to the public hearing, including but not limited to information presented by the staff and members of the public.

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

MEETING DATE: JANUARY 17, 2012
DEPARTMENT: ADMINISTRATIVE SERVICES
PREPARED BY: LESLIE BRUMAGE, FINANCE
OFFICER
DEPT. DIR. APPROVAL: _____
CITY ADM. APPROVAL: _____

AGENDA ITEM SUMMARY REPORT

Resolution 2012-01 Budget Amendment

BACKGROUND

The City of Cody adopted the budget for FY11-12 on June 22, 2011. Per State Statute, budgets may be amended through Resolution by the City Council.

SUMMARY

This amendment request is for the purchase of materials for the Blackburn PUD project. Since it was developed after the FY11-12 budget was approved no funds have been appropriated for it yet. Ed Higbie has paid the fees associated with the project so the funds are available to purchase the materials.

FISCAL IMPACT

Subdivision development revenue in the Electric Fund will increase \$58,848
The Blackburn PUD project expense line item in the Electric Fund will increase \$58,848

ALTERNATIVES

At its discretion the City Council may approve or deny the Resolution.

RECOMMENDATION

Approve the resolution amending the FY11-12 budget increasing revenue by \$58,848 and increasing expenditures by \$58,848 in the Electric Fund.

ATTACHMENTS

1. Resolution 2012-01

AGENDA & SUMMARY REPORT TO:

1. None

AGENDA ITEM NO. _____

RESOLUTION 2012-01

A RESOLUTION AMENDING THE CITY OF CODY FINAL BUDGET FOR FISCAL YEAR 2011-2012

WITNESSETH:

WHEREAS, the final budget for Fiscal Year 2011-2012 was duly adopted by the City of Cody with Ordinance No 2010-20 on June 22, 2011 in accordance with the State of Wyoming Statutes; and

WHEREAS, the City of Cody Council has determined it is appropriate to amend the final budget, in accordance with proper governmental accounting and financial reporting practices; and

WHEREAS, funds are available to cover such amendments as designated in the requested action.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE City of Cody, the following action was authorized by the City of Cody Council:

BUDGET AMENDMENTS:

Authorized Revenue(s):

Dept	Account	Purpose	Amount
Electric	Subdivision Fees	Blackburn PUD	\$58,848
Total Revenue Amendments			\$58,848

Authorized Appropriation(s):

Dept	Account	Purpose	Amount
Electric	Systems Upgrade	Blackburn PUD	\$58,848
Total Expenditure Amendments			\$58,848

PASSED, APPROVED AND ADOPTED THE 17th day of January 2012

Nancy Tia Brown, Mayor

Attest:

Cynthia Baker, Administrative Services Officer