

City of Cody City Council

Tuesday October 18, 2022 – 7:00 p.m. (Pre-Meeting to begin at 6:53 p.m. in Council Chambers)
Meeting Place: City of Cody Council Chambers – 1338 Rumsey Avenue, Cody, WY

Meeting Called to Order

Pledge of Allegiance

Moment of Silence

Roll Call

Mayor's Recognitions and Announcements

Proclamation – Childhood Cancer Awareness Week

1. Consent Calendar

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

- a. Approval of Minutes: Regular Minutes from October 4, 2022 and Work Sessions from October 11, 2022.
- b. Approve Vouchers and payroll in the amount of \$1,744,597.55.
- c. Consider approving the request from the coach of the Yellowstone Quake Hockey Team to utilize the Paul Stock and Recreation Center for the amount of \$2,250, noting coordination with staff on workout times.

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) Approve the preliminary plat of the Meadowlark Meadows Major Subdivision, with associated variances and conditions of approval.
Staff Reference: Todd Stowell, City Planner
- b) Ordinance 2022-15 –Third and Final Reading
An Ordinance to Annex to the City of Cody 1.85 acres owned by Tim and Gina Leonhardt within Tract A of the Paddock Estates Subdivision, and to authorize the subdivision of the property along the annexation boundary.
Staff Reference: Todd Stowell, Community Development Director

- c) Ordinance 2022-16 Third and Final Reading
An Ordinance to Rezone 1.85 acres being annexed by Ordinance 2022-16 as Medium-High Density Residential (R-3).
Staff Reference: Todd Stowell, Community Development Director
- d) Ordinance 2022-17 – Second Reading
An Ordinance to amend Title 9, Chapter 1, Section 2 of the Cody City Code, to reduce the number of Contractor Licensing Board Members from ten to seven and add more flexibility in the composition of those qualified to serve on the Bard.
Staff Reference: Todd Stowell, City Planner
- e) Resolution 2022-21
A Resolution Giving City Staff Authority to Approve Request from Holder of Club Licenses to Dispense Alcohol Outside the Licensed Building.
Staff Reference: Cindy Baker, Administrative Services Officer
- f) Ordinance 2022-10 – First Reading
An Ordinance Amending Title 3, Chapter 2, Article I, Section 3-2-1 of the City of Cody Code: Definitions.
Staff Reference: Cindy Baker, Administrative Services Officer
- g) Ordinance 2022-12 – First Reading
An Ordinance Amending Title 3, Chapter 2, Article II, Section 3-2-9 of the City of Cody Code: Types of Licenses and Permits
Staff Reference: Cindy Baker, Administrative Services Officer
- h) Ordinance 2022-13 – First Reading
An Ordinance Amending Title 3, Chapter 2, Article II, Section 14 of the City of Cody Code: License Fees.
Staff Reference: Cindy Baker, Administrative Services Officer
- i) Ordinance 2022-18 – First Reading
An Ordinance Amending Title 8, Chapter 1, Article III, Section 14 of the Cody City Code to Modify and Set Electric Service Charges.
Staff Reference: Cindy Baker, Administrative Services Officer
- j) Ordinance 2022-19 – First Reading
An Ordinance Amending Title 8, Chapter 2, of the Cody City Code to Modify and Set Treated Water and Raw Water Service Fees and Rates.
Staff Reference: Phillip Bowman, Public Works Director

5. Tabled Items

6. Matters from Staff Members

7. Matters from Council Members
8. Adjournment

Upcoming Meetings:

October 25, 2022 – Tuesday – Work Session – 5:30 p.m. (tentative)

November 8, 2022– Tuesday -Regular Council Meeting – 7:00 p.m.

Childhood Cancer Awareness Week

WHEREAS, the American Cancer Fund for Children and Kids Cancer Connection report cancer is the leading cause of death by disease among children in the United States. This tragic disease is detected in more than 16,000 of our nation's young people each and every year; and

WHEREAS, one in five of our nation's children loses his or her battle with cancer. Many infants, children and teens will suffer from long-term effects of comprehensive treatment, including secondary cancers. An estimated 400,000 children and adolescents are diagnosed with cancer globally each year; and

WHEREAS, founded nearly thirty years ago by Steven Firestein, a member of the philanthropic Max Factor cosmetics family, the American Cancer Fund for Children, Inc. and Kids Cancer Connection, Inc. along with Lions Clubs International are dedicated to helping these children and their families; and

WHEREAS, the American Cancer Fund for Children and Kids Cancer Connection provide a variety of vital patient psychosocial services to children undergoing cancer treatment at participating hospitals throughout Wyoming, regional and the country, thereby enhancing the quality of life for these children and their families; and

WHEREAS, the American Cancer Fund for Children and Kids Cancer Connection also sponsor toy distributions, family sailing programs, positive appearance programs, educational programs and hospital celebrations in honor of a child's determination and bravery to fight the battle against childhood cancer.

NOW THEREFORE, be it resolved that, I Mayor Matt Hall of the City of Cody, do hereby proclaim October 23rd – October 29 as Childhood Cancer Awareness Week.

Dated this 18th day of October 2022.

Mayor Matt Hall

Attest: Cindy Baker, Clerk

City of Cody
Council Proceedings
Tuesday, October 4, 2022

A regular meeting of the Cody City Council was held in the Council Chambers at City Hall in Cody, Wyoming on Tuesday, October 4, 2022 at 7:00 p.m.

Present: Mayor Hall, Council Members, Heidi Rasmussen, Diane Ballard, Justin Baily, Emily Swett and Andy Quick and City Attorney Scott Kolpitzke, City Administrator Barry Cook, and Deputy City Clerk Barbara Curless.

Absent: Council Member Jerry Fritz

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

Council Member Ballard made a motion seconded by Council Member Baily to approve Consent Calendar as amended, amendment was to remove item “g” to conduct of business. Approval included approval of Minutes: September 20, 2022 and Work Sessions from September 13 and September 27, 2022; approve Vouchers and payroll in the amount of \$613,697.99; award Bid 2022-12 to Floyd’s Truck Center for (1) 2023 Freightliner Cab and Chassis with (1) Southwestern compaction body in the amount of \$261,229.00; appoint Tim Blatt as a special prosecutor for a municipal court case, approve the street closure of Sheridan Avenue from 10th to 15th Streets from 3:30 pm to 6:00 pm, actual event running 4:00 pm – 6:00 pm, on Monday, October 30, 2022 for the Annual Downtown Trick or Treat Event, and work with Staff for coordination of said event. Event approval contingent upon WYDOT approval and proof of liability insurance, and approve the street closure of Sheridan Avenue between 9th and 14th Streets from 4:00 pm to 8:00 pm, actual event running 5:00 pm – 8:00 pm, on Saturday, November 26th, 2022 during the Christmas Stroll & Holiday Parade, and work with Staff for coordination of said event. Event approval contingent upon WYDOT approval and proof of liability insurance. Vote was unanimous.

Council Member Rasmussen made a motion seconded by Council Member Quick to authorize the Mayor to enter into an agreement between the City of Cody and Off Grid Inspections, LLC (Steve Frank) for electrical inspection and plan review services. Vote was unanimous.

Council Member Swett made a motion seconded by Council Member Baily to approve a Final Plat and construction plans for the Schoonover Subdivision, 5-lot subdivision, subject to conditions of approval. Vote was unanimous.

Ordinance 2022-17 – First Reading

An Ordinance to amend Title 9, Chapter 1, Section 2 of the Cody City Code, to reduce the number of Contractor Licensing Board Members from ten to seven and add more flexibility in the composition of those qualified to serve on the Board. Council Member Ballard made a motion seconded by Council Member Baily to approve Ordinance 2022-17 on first reading. Vote in favor were Council Members Swett, Quick, Ballard, Baily and Mayor Hall. Voting opposed was Council Member Rasmussen.

Ordinance 2022-15 – Second Reading

An Ordinance to Annex to the City of Cody 1.85 acres owned by Tim and Gina Leonhardt within Tract A of the Paddock Estates Subdivision, and to authorize the subdivision of the property along the annexation boundary. Council Member Rasmussen made a motion seconded by Council Member Swett to approve Ordinance 2022-15 on second reading. Vote was unanimous.

Ordinance 2022-16 Second Reading as amended.

An Ordinance to Rezone 1.85 acres being annexed by Ordinance 2022-16 as Medium-High Density Residential (R-3). Council Member Baily made a motion seconded by Council Member Rasmussen to approve Ordinance 2022-16 on second reading. Vote was unanimous.

Mayor Hall adjourned the meeting at 7:35 p.m.

Matt Hall, Mayor

Cindy Baker, City Clerk

City of Cody
Council Proceedings
Tuesday, October 11, 2022

A special meeting of the Cody City Council was held in Council Chambers of Cody City Hall on Tuesday, October 11, 2022 at 5:30 p.m.

Present: Mayor Hall, Council Members Diane Ballard, Andy Quick, Heidi Rasmussen, Emily Swett, Justin Baily, and Jerry Fritz, City Administrator, Barry Cook, Attorney Scott Kolpitcke and Administrative Services Officer, Cindy Baker

Absent: None

Mayor Matt Hall called the meeting to order at 5:30 p.m.

Ryan Hauck, Director Park County Travel Council provide the Governing Body with Fiscal Year Update

Josh Schmidt, Yellowstone Quake, discussed a request for a rate reduction for hockey team using the Recreation Center. Staff was directed to present this request as an item for consideration at the next council meeting.

Cindy Baker, Administrative Services Officer, discussed Health Savings Account Contributions for employees. Staff was directed to present the item of providing the full benefit at the start of the calendar year versus 24 equal payments at a future council meeting.

Phillip Bowman, Public Works Director discussed Bid #2021-10 (Solid Waste pickup with flatbed and snow plow) proposed price increase, and vehicle purchasing challenges through 2022. Staff was provided to bring this item to the next council meeting for council consideration.

Council Members Andy Quick, Heidi Rasmussen and Emily Swett will serve on the Audit Committee meeting on December 6th at 6:30 pm.

Council Members Emily Sweet, Diane Ballard and Mayor Hall will participate in the review of the consultant proposals – TBD - Week of November 7th

Mayor Hall adjourned the Work Session at 6:36 p.m.

Cindy Baker
Administrative Services Officer

Matt Hall
Mayor

Report Criteria:
Invoice Detail.Input date = 10/11/2022
Invoice.Batch = {NOT LIKE} "1"

| Secondary Name | Invoice | Description | Invoice Date | Total Cost |
|--|------------|------------------------------------|--------------|------------|
| AMERICAN FAMILY LIFE ASSUR (550) | | | | |
| | 864584 | PREMIUM | 10/06/2022 | 2,445.73 |
| Total : | | | | 2,445.73 |
| Total AMERICAN FAMILY LIFE ASSUR (550): | | | | 2,445.73 |
| ANIXTER INC (130622) | | | | |
| | 5291263-03 | 1/0 COOPER ELBOWS | 09/21/2022 | 260.28 |
| | 5291263-04 | TRANSFORMER BASEMENTS | 09/30/2022 | 1,129.76 |
| | 5291263-04 | TRANSFORMER BASEMENTS | 09/30/2022 | 1,694.64 |
| | 5307565-00 | 1/0 COOPER ELBOWS | 09/21/2022 | 706.80 |
| | 5446854-00 | 4/0 COMPRESSION LUGS | 09/30/2022 | 37.60 |
| | 5446854-00 | 350MCM; CONNECTORS; GUT ATTACHMENT | 09/30/2022 | 5,160.25 |
| Total : | | | | 8,989.33 |
| Total ANIXTER INC (130622): | | | | 8,989.33 |
| BAILEY ENTERPRISES INCORPORATED (130546) | | | | |
| | 6609109 | Fuel | 10/01/2022 | 178.89 |
| | 6609109 | Fuel | 10/01/2022 | 1,403.91 |
| | 6609109 | Fuel | 10/01/2022 | 208.11 |
| | 6609109 | Fuel | 10/01/2022 | 69.37 |
| | 6609109 | Fuel | 10/01/2022 | 2,878.84 |
| | 6609109 | Fuel | 10/01/2022 | 208.11 |
| | 6609109 | Fuel | 10/01/2022 | 104.05 |
| | 6609109 | Fuel | 10/01/2022 | 94.09 |
| | 6609109 | Fuel | 10/01/2022 | 1,147.72 |
| | 6609109 | Fuel | 10/01/2022 | 741.14 |
| | 6609109 | Fuel | 10/01/2022 | 270.74 |
| | 6609109 | Fuel | 10/01/2022 | 177.64 |
| | 6609109 | Fuel | 10/01/2022 | 26.27 |
| | 6609109 | Fuel | 10/01/2022 | 168.10 |
| | 6609109 | Fuel | 10/01/2022 | 26.75 |
| | 6609109 | Fuel | 10/01/2022 | 49.48 |
| | 6609109 | Fuel | 10/01/2022 | 53.50 |
| | 6609109 | Fuel | 10/01/2022 | 2,046.31 |
| | 6609109 | Fuel | 10/01/2022 | 170.81 |
| | 6609109 | Fuel | 10/01/2022 | 945.28 |
| | 6609109 | Fuel | 10/01/2022 | 831.66 |
| | 6609109 | Fuel | 10/01/2022 | 10.51 |
| | 6609109 | Fuel | 10/01/2022 | 116.26 |
| | 6609109 | Fuel | 10/01/2022 | 5.25 |
| | 6609109 | Fuel | 10/01/2022 | 7.88 |
| | 6609109 | Fuel | 10/01/2022 | 6,623.86 |
| | 6609109 | Fuel | 10/01/2022 | 2,097.01 |
| | 6609109 | Fuel | 10/01/2022 | 163.87 |
| | 6609109 | Fuel | 10/01/2022 | 217.89 |
| | 6609109 | Fuel | 10/01/2022 | 76.39 |
| | 6609109 | Fuel | 10/01/2022 | 572.56 |
| | 6609109 | Fuel | 10/01/2022 | 456.47 |
| | 6609109 | Fuel | 10/01/2022 | 591.70 |
| | 6609109 | Fuel | 10/01/2022 | 179.33 |

| Secondary Name | Invoice | Description | Invoice Date | Total Cost |
|---|----------------|--------------------------------|--------------|------------|
| | 6609109 | Fuel | 10/01/2022 | 630.63 |
| | 6609109 | Fuel | 10/01/2022 | 35.52 |
| | 6609109 | Fuel | 10/01/2022 | 1,245.53 |
| Total : | | | | 24,831.43 |
| Total BAILEY ENTERPRISES INCORPORATED (130546): | | | | 24,831.43 |
| BIG CO (1190) | | | | |
| BIG HORN REDI-MIX, INC | 384632 | BEDDING MATERIAL | 08/01/2022 | 400.00 |
| BIG HORN REDI-MIX, INC | 384787 | BEDDING MATERIAL | 08/18/2022 | 800.00 |
| BIG HORN REDI-MIX, INC | 385018 | BEDDING - WEST AVE RAW WATER | 09/16/2022 | 500.00 |
| Total : | | | | 1,700.00 |
| Total BIG CO (1190): | | | | 1,700.00 |
| BLACK HILLS GAS HOLDINGS, LLC (132866) | | | | |
| BLACK HILLS ENERGY | 10072022 | UTILITIES - BLACK HILLS ENERGY | 10/07/2022 | 148.03 |
| BLACK HILLS ENERGY | 10072022 | UTILITIES - BLACK HILLS ENERGY | 10/07/2022 | 217.63 |
| BLACK HILLS ENERGY | 10072022 | UTILITIES - BLACK HILLS ENERGY | 10/07/2022 | 142.37 |
| BLACK HILLS ENERGY | 10072022 | UTILITIES - BLACK HILLS ENERGY | 10/07/2022 | 133.28 |
| BLACK HILLS ENERGY | 10072022 | UTILITIES - BLACK HILLS ENERGY | 10/07/2022 | 4,003.52 |
| BLACK HILLS ENERGY | 10072022 | UTILITIES - BLACK HILLS ENERGY | 10/07/2022 | 4,003.52 |
| BLACK HILLS ENERGY | 10072022 | UTILITIES - BLACK HILLS ENERGY | 10/07/2022 | 80.67 |
| BLACK HILLS ENERGY | 10072022 | UTILITIES - BLACK HILLS ENERGY | 10/07/2022 | 16.06 |
| BLACK HILLS ENERGY | 10072022 | UTILITIES - BLACK HILLS ENERGY | 10/07/2022 | 213.57 |
| BLACK HILLS ENERGY | 10072022 | UTILITIES - BLACK HILLS ENERGY | 10/07/2022 | 35.26 |
| Total : | | | | 8,993.91 |
| Total BLACK HILLS GAS HOLDINGS, LLC (132866): | | | | 8,993.91 |
| BLUE CROSS BLUE SHIELD OF WYOMING (1360) | | | | |
| | 220902167476 | INSURANCE OCT 2022 | 09/02/2022 | 157,502.17 |
| Total : | | | | 157,502.17 |
| Total BLUE CROSS BLUE SHIELD OF WYOMING (1360): | | | | 157,502.17 |
| BURR, NICOLE (133090) | | | | |
| | 45947920 | REC CENTER REFUND | 09/28/2022 | 75.00 |
| Total : | | | | 75.00 |
| Total BURR, NICOLE (133090): | | | | 75.00 |
| BUTLER, JOHN (133092) | | | | |
| | 45947947 | REC CENTER REFUND | 09/28/2022 | 150.00 |
| Total : | | | | 150.00 |
| Total BUTLER, JOHN (133092): | | | | 150.00 |
| CARQUEST AUTO PARTS (10200) | | | | |
| | 2874-ID-460600 | filter B19 | 09/23/2022 | 3.95 |
| | 2874-ID-460731 | wipers A20 | 09/26/2022 | 24.76 |
| | 2874-ID-460733 | wipers A20 | 09/26/2022 | 1.01 |

| Secondary Name | Invoice | Description | Invoice Date | Total Cost |
|--|----------------|--|--------------|------------|
| | 2874-ID-460752 | filter SC002 | 09/26/2022 | 3.95 |
| | 2874-ID-460752 | filter A07 | 09/26/2022 | 3.95 |
| | 2874-ID-460898 | filter B27 | 09/28/2022 | 3.95 |
| Total : | | | | 41.57 |
| Total CARQUEST AUTO PARTS (10200): | | | | 41.57 |
| COPENHAVER KITCHEN KOLPITCKE LLC (3140) | | | | |
| | 45701 | Legal Services | 09/21/2022 | 3,384.88 |
| | 45701 | Legal Services | 09/21/2022 | 345.40 |
| | 45701 | Legal Services | 09/21/2022 | 759.87 |
| | 45701 | Legal Services | 09/21/2022 | 759.87 |
| | 45701 | Legal Services | 09/21/2022 | 828.95 |
| | 45701 | Legal Services | 09/21/2022 | 828.95 |
| Total : | | | | 6,907.92 |
| Total COPENHAVER KITCHEN KOLPITCKE LLC (3140): | | | | 6,907.92 |
| CORBIN, CLAYTON (132614) | | | | |
| | 45946163 | REC CENTER REFUND | 09/28/2022 | 75.00 |
| Total : | | | | 75.00 |
| Total CORBIN, CLAYTON (132614): | | | | 75.00 |
| CORNELL, STEFFEN (133087) | | | | |
| | 45946278 | REC CENTER REFUND | 09/28/2022 | 75.00 |
| Total : | | | | 75.00 |
| Total CORNELL, STEFFEN (133087): | | | | 75.00 |
| CUSTOM DELIVERY SERVICE INC (3343) | | | | |
| | 308243 | SAMPLE SHIPPING | 06/20/2022 | 39.96 |
| | 314645 | SAMPLE SHIPPING | 09/27/2022 | 39.96 |
| Total : | | | | 79.92 |
| Total CUSTOM DELIVERY SERVICE INC (3343): | | | | 79.92 |
| DEARBORN LIFE INSURANCE COMPANY (131563) | | | | |
| | 10012022 | INSURANCE OCT 2022 | 09/09/2022 | 391.88 |
| Total : | | | | 391.88 |
| Total DEARBORN LIFE INSURANCE COMPANY (131563): | | | | 391.88 |
| EASTMAN, RINDA (129952) | | | | |
| | 1022 | PERSONAL TRAINING SERVICES | 10/05/2022 | 147.53 |
| Total : | | | | 147.53 |
| Total EASTMAN, RINDA (129952): | | | | 147.53 |
| ELEVATE WYOMING LEADERSHIP GROUP (133097) | | | | |
| | 09092022 | INTERNAL TEAM BUILDING DEVELOPMENT PROGRAM | 09/09/2022 | 5,700.00 |

| Secondary Name | Invoice | Description | Invoice Date | Total Cost |
|--|---------------|-----------------------------|--------------|------------|
| Total : | | | | 5,700.00 |
| Total ELEVATE WYOMING LEADERSHIP GROUP (133097): | | | | 5,700.00 |
| ENERGY LABORATORIES, INC (4120) | | | | |
| DEPARTMENT 6250 | 504272 | DISINFECTION BYPRODUCT TEST | 09/22/2022 | 604.00 |
| DEPARTMENT 6250 | 505739 | COLIFORM TESTING | 09/29/2022 | 160.00 |
| DEPARTMENT 6250 | 507097 | LEAD AND COPPER X 10 | 10/05/2022 | 485.00 |
| Total : | | | | 1,249.00 |
| Total ENERGY LABORATORIES, INC (4120): | | | | 1,249.00 |
| ENNIST III, ROBERT F (131798) | | | | |
| BIG HORN FOOD SERVICES | 50942 | CLEANING SUPPLIES | 10/07/2022 | 500.00 |
| BIG HORN FOOD SERVICES | 50942 | CLEANING SUPPLIES | 10/07/2022 | 213.73 |
| Total : | | | | 713.73 |
| Total ENNIST III, ROBERT F (131798): | | | | 713.73 |
| FIRE DISTRICT #2 (131409) | | | | |
| | BLD-0922-0018 | 1243 RUMSEY AVE | 09/23/2022 | 318.00 |
| | BLD-0922-0019 | 1562 SHERIDAN AVE | 09/21/2022 | 549.00 |
| | BLD-0922-0021 | 1240 BECK AVE | 09/23/2022 | 122.00 |
| Total : | | | | 989.00 |
| Total FIRE DISTRICT #2 (131409): | | | | 989.00 |
| FLETCHER, BRADY (133101) | | | | |
| | 14.1290.15 | UTILITY DEPOSIT REFUND | 10/07/2022 | 147.73 |
| Total : | | | | 147.73 |
| Total FLETCHER, BRADY (133101): | | | | 147.73 |
| FREMAREK INC (132905) | | | | |
| MID-AMERICAN RESEARCH CHEMICA | 0769130-IN | BIOSCRUBBER | 08/10/2022 | 7,448.98 |
| Total : | | | | 7,448.98 |
| Total FREMAREK INC (132905): | | | | 7,448.98 |
| FREMONT MOTOR CODY INC (4370) | | | | |
| | 46108150 | REC CENTER REFUND | 10/04/2022 | 232.00 |
| Total : | | | | 232.00 |
| Total FREMONT MOTOR CODY INC (4370): | | | | 232.00 |
| HARRIS TRUCKING AND CONSTRUCTION CO. (4780) | | | | |
| | 138224 | ASPHALT REPAIR | 09/25/2022 | 1,351.80 |
| Total : | | | | 1,351.80 |

| Secondary Name | Invoice | Description | Invoice Date | Total Cost |
|--|------------|----------------------------|--------------|------------|
| Total HARRIS TRUCKING AND CONSTRUCTION CO. (4780): | | | | 1,351.80 |
| HEBRLEE, TRENT STEVEN (131832) | | | | |
| HOTLINE ELECTRICAL SALES & SERV | 29141 | ITRON METERS | 09/30/2022 | 9,092.00 |
| Total : | | | | 9,092.00 |
| Total HEBRLEE, TRENT STEVEN (131832): | | | | 9,092.00 |
| HUBBMAN, ERIN (133100) | | | | |
| | 46154759 | REC CENTER REFUND | 10/05/2022 | 54.00 |
| Total : | | | | 54.00 |
| Total HUBBMAN, ERIN (133100): | | | | 54.00 |
| J & S CORPORATION (1160) | | | | |
| BIG HORN GLASS | 41080 | PLAYGROUND | 09/26/2022 | 384.00 |
| Total : | | | | 384.00 |
| Total J & S CORPORATION (1160): | | | | 384.00 |
| JONES, AMY (129954) | | | | |
| | 10052022 | PERSONAL TRAINING SERVICES | 10/05/2022 | 256.03 |
| Total : | | | | 256.03 |
| Total JONES, AMY (129954): | | | | 256.03 |
| KOIS BROTHERS EQUIPMENT (5830) | | | | |
| | 56553 | DUMPSTER LINERS | 10/06/2022 | 640.92 |
| Total : | | | | 640.92 |
| Total KOIS BROTHERS EQUIPMENT (5830): | | | | 640.92 |
| KOSMANN, SCOTT (133088) | | | | |
| | 45946303 | REC CENTER REFUND | 09/28/2022 | 225.00 |
| Total : | | | | 225.00 |
| Total KOSMANN, SCOTT (133088): | | | | 225.00 |
| LEACH, PATRICK R (133098) | | | | |
| ETERNAL TREE SERVICE | 09142022 | GLENDALE PRUNING | 09/14/2022 | 1,300.00 |
| Total : | | | | 1,300.00 |
| Total LEACH, PATRICK R (133098): | | | | 1,300.00 |
| LEISURE IN MONTANA INC (131545) | | | | |
| | SAL23953-1 | CHLORINE | 10/06/2022 | 2,302.92 |
| | SAL23953-1 | CHLORINE | 10/06/2022 | 2,302.92 |
| | SAL23957-1 | POOL REAGENTS | 10/03/2022 | 362.52 |
| | SAL23957-1 | POOL REAGENTS | 10/03/2022 | 362.53 |

| Secondary Name | Invoice | Description | Invoice Date | Total Cost |
|--|------------|---|--------------|------------|
| Total : | | | | 5,330.89 |
| Total LEISURE IN MONTANA INC (131545): | | | | 5,330.89 |
| MERIDETH, SONYA (133099) | | | | |
| | 15.0870.37 | REFUND CREDIT BALANCE | 10/03/2022 | 186.42 |
| Total : | | | | 186.42 |
| Total MERIDETH, SONYA (133099): | | | | 186.42 |
| MERINO, ELIO (133094) | | | | |
| | 14.0908.18 | UTILITY DEPOSIT REFUND | 10/03/2022 | 259.01 |
| Total : | | | | 259.01 |
| Total MERINO, ELIO (133094): | | | | 259.01 |
| MORRISON-MAIERLE INC (130985) | | | | |
| | 000225426 | 2020 CODY SIDEWALK & PEDESTRIAN RAMP IMPROVEMENTS | 09/29/2022 | 5,219.05 |
| | 000225426 | 2020 CODY SIDEWALK & PEDESTRIAN RAMP IMPROVEMENTS | 09/29/2022 | 1,304.76 |
| Total : | | | | 6,523.81 |
| Total MORRISON-MAIERLE INC (130985): | | | | 6,523.81 |
| NCPERS GROUP LIFE INS (125412) | | | | |
| C/O MEMBER BENEFITS | 10622 | PREMIUM | 10/06/2022 | 400.00 |
| Total : | | | | 400.00 |
| Total NCPERS GROUP LIFE INS (125412): | | | | 400.00 |
| NORCO, INC. (128948) | | | | |
| | 35998537 | BOTTLE RENTAL | 09/30/2022 | 39.60 |
| Total : | | | | 39.60 |
| Total NORCO, INC. (128948): | | | | 39.60 |
| NORTHWEST PIPE (7400) | | | | |
| | 7813647 | VALVES FOR AUDITORIUM FLOOD MITIGATION | 10/05/2022 | 2,090.48 |
| Total : | | | | 2,090.48 |
| Total NORTHWEST PIPE (7400): | | | | 2,090.48 |
| OLLA WORLDWIDE LLC (132971) | | | | |
| THE MAID UP | 1211 | CLEANING SERVICES REC CENTER AND CITY HALL | 09/11/2022 | 5,130.00 |
| Total : | | | | 5,130.00 |
| Total OLLA WORLDWIDE LLC (132971): | | | | 5,130.00 |
| ONE-CALL OF WYOMING (127665) | | | | |
| | 64761 | ONE - CALL FEES | 10/06/2022 | 32.44 |

| Secondary Name | Invoice | Description | Invoice Date | Total Cost |
|--------------------------------------|------------|---|--------------|------------|
| | 64761 | ONE - CALL FEES | 10/06/2022 | 32.44 |
| | 64761 | ONE - CALL FEES | 10/06/2022 | 32.44 |
| | 64761 | ONE - CALL FEES | 10/06/2022 | 32.43 |
| Total : | | | | 129.75 |
| Total ONE-CALL OF WYOMING (127665): | | | | 129.75 |
| PARK COUNTY (7670) | | | | |
| | 8097 | LEC CONTRACT - DISPATCH SERVICES | 10/01/2022 | 223.57 |
| | 8097 | LEC CONTRACT - DISPATCH | 10/01/2022 | 3,800.53 |
| | 8097 | LEC CONTRACT - DISPATCH SERVICES | 10/01/2022 | 670.68 |
| | 8097 | LEC CONTRACT - DISPATCH SERVICES | 10/01/2022 | 17,661.27 |
| | 8097 | LEC CONTRACT - CAPITOL EQUIPMENT | 10/01/2022 | 4,520.00 |
| | 8097 | LEC CONTRACT - MAINTENANCE | 10/01/2022 | 1,807.46 |
| | 8097 | LEC CONTRACT - CONSOLE | 10/01/2022 | 39.15 |
| | 8097 | LEC CONTRACT - CONSOLE | 10/01/2022 | 665.61 |
| | 8097 | LEC CONTRACT - CONSOLE | 10/01/2022 | 117.46 |
| | 8097 | LEC CONTRACT - CONSOLE | 10/01/2022 | 3,093.14 |
| | 8097 | LEC CONTRACT - UTILITIES | 10/01/2022 | 1,335.15 |
| | 8097 | ADJ FOR INITIAL NETWORK SEGRAGATION CHANGES | 10/01/2022 | 204.52- |
| | 8097 | ANTI VIRUS CLIENT CREDIT | 10/01/2022 | 34.79- |
| Total : | | | | 33,694.71 |
| Total PARK COUNTY (7670): | | | | 33,694.71 |
| PARK COUNTY LANDFILL (129053) | | | | |
| | 09302022 | LANDFILL CHARGES - SEPT 2022 | 09/30/2022 | 59,075.07 |
| | 09302022 | BULK ITEM DISPOSAL FEES - SEPT 2022 | 09/30/2022 | 250.25 |
| Total : | | | | 59,325.32 |
| Total PARK COUNTY LANDFILL (129053): | | | | 59,325.32 |
| PARK COUNTY TREASURER (7760) | | | | |
| | 2022-5002 | 3/8 CHIPS | 09/16/2022 | 7,818.00 |
| | 2022-5002 | 3/8 CHIPS | 09/16/2022 | 28,182.00 |
| Total : | | | | 36,000.00 |
| Total PARK COUNTY TREASURER (7760): | | | | 36,000.00 |
| PARK DISTRICT COURT (132610) | | | | |
| | 10622 | GARNISHMENT Civil #29877 | 10/06/2022 | 196.97 |
| Total : | | | | 196.97 |
| Total PARK DISTRICT COURT (132610): | | | | 196.97 |
| PIAZZA, YULIA (133096) | | | | |
| | 13.1840.38 | UTILIYT DEPOSIT REFUND | 10/03/2022 | 352.84 |
| Total : | | | | 352.84 |
| Total PIAZZA, YULIA (133096): | | | | 352.84 |

| Secondary Name | Invoice | Description | Invoice Date | Total Cost |
|---|----------|------------------------------------|--------------|------------|
| PROVIDENT LIFE & ACCIDENT INS (128033) | | | | |
| | 10622 | PREMIUMS | 10/06/2022 | 23.40 |
| Total : | | | | 23.40 |
| Total PROVIDENT LIFE & ACCIDENT INS (128033): | | | | 23.40 |
| PURCHASE POWER (8240) | | | | |
| | 10052022 | POSTAGE - FINANCE/AP | 10/05/2022 | 408.76 |
| | 10052022 | POSTAGE - HUMAN RESOURCES | 10/05/2022 | 80.94 |
| | 10052022 | POSTAGE - GRANTS | 10/05/2022 | 6.99 |
| | 10052022 | POSTAGE - MUNICIPAL COURT | 10/05/2022 | 73.93 |
| | 10052022 | POSTAGE - UTILITY | 10/05/2022 | 731.43 |
| | 10052022 | POSTAGE - CITY CLERK | 10/05/2022 | 61.58 |
| | 10052022 | POSTAGE - PD | 10/05/2022 | 72.59 |
| | 10052022 | POSTAGE - REC CENTER | 10/05/2022 | 465.62 |
| | 10052022 | POSTAGE - WATER | 10/05/2022 | 4.42 |
| | 10052022 | POSTAGE - PUBLIC WORKS | 10/05/2022 | 83.92 |
| | 10052022 | POSTAGE - BUILDING INSPECTION | 10/05/2022 | 9.57 |
| | 10052022 | POSTAGE - CITY PLANNER | 10/05/2022 | 8.07 |
| | 10052022 | POSTAGE REFILL | 10/05/2022 | 13.17 |
| Total : | | | | 2,020.99 |
| Total PURCHASE POWER (8240): | | | | 2,020.99 |
| QUALITY ASPHALT PAVING, INC (125010) | | | | |
| | 2390 | ASPHALT REPAIR | 09/26/2022 | 1,890.00 |
| | 2397 | SIMPSON AVE PATCHING | 10/06/2022 | 2,164.50 |
| Total : | | | | 4,054.50 |
| Total QUALITY ASPHALT PAVING, INC (125010): | | | | 4,054.50 |
| RAMEY, AMBER (133055) | | | | |
| | 9302022 | MILEAGE REIMBURSEMENT - SEPTEMBER | 10/03/2022 | 9.81 |
| Total : | | | | 9.81 |
| Total RAMEY, AMBER (133055): | | | | 9.81 |
| RAPID FIRE PROTECTION, INC (129543) | | | | |
| | 40236 | ALARM AND BACKFLOW INSPECTIONS | 09/14/2022 | 520.00 |
| Total : | | | | 520.00 |
| Total RAPID FIRE PROTECTION, INC (129543): | | | | 520.00 |
| REED, DENNIS (133089) | | | | |
| | 45947905 | REC CENTER REFUND | 09/28/2022 | 150.00 |
| Total : | | | | 150.00 |
| Total REED, DENNIS (133089): | | | | 150.00 |
| RIVER OAKS COMMUNICATIONS CORP (131184) | | | | |
| | 09272022 | CHARTER FRANCHISE AGREEMENT REVIEW | 09/27/2022 | 365.00 |

| Secondary Name | Invoice | Description | Invoice Date | Total Cost |
|--|-----------|-------------------------------------|--------------|------------|
| Total : | | | | 365.00 |
| Total RIVER OAKS COMMUNICATIONS CORP (131184): | | | | 365.00 |
| SABER PEST CONTROLL LLC (131183) | | | | |
| | AUD168 | PEST CONTROL - AUDITORIUM | 10/07/2022 | 100.00 |
| | CH168 | PEST CONTROL - CITY HALL | 10/07/2022 | 70.00 |
| | E155 | PEST CONTROL - ELECTRIC | 10/03/2022 | 100.00 |
| | P167 | PEST CONTROL - PUBLIC WORKS SH | 10/03/2022 | 60.00 |
| | P167 | PEST CONTROL - PUBLIC WORKS SH | 10/03/2022 | 30.00 |
| | P167 | PEST CONTROL - PUBLIC WORKS SH | 10/03/2022 | 30.00 |
| | R166 | PEST CONTROL - RECYCLING/SANITATION | 10/05/2022 | 70.00 |
| | REC168 | PEST CONTROL - REC CENTER | 10/05/2022 | 105.00 |
| | REC168 | PEST CONTROL - REC CENTER | 10/05/2022 | 105.00 |
| | W166 | PEST CONTROL - WASTEWATER DEPT | 10/05/2022 | 100.00 |
| Total : | | | | 770.00 |
| Total SABER PEST CONTROLL LLC (131183): | | | | 770.00 |
| SHOSHONE MUNICIPAL PIPELINE (9130) | | | | |
| | 10012022 | SMP WATER PURCHASE - SEPT 2022 | 10/01/2022 | 157,764.30 |
| Total : | | | | 157,764.30 |
| Total SHOSHONE MUNICIPAL PIPELINE (9130): | | | | 157,764.30 |
| SIMPSON, SHON (133093) | | | | |
| | 45947963 | REC CENTER REFUND | 09/28/2022 | 150.00 |
| Total : | | | | 150.00 |
| Total SIMPSON, SHON (133093): | | | | 150.00 |
| SPRADLIN, GARY BRUCE (125064) | | | | |
| AIR CON REFRIGERATION | 6530 | LAB HVAC REPAIRS | 08/28/2022 | 1,305.10 |
| Total : | | | | 1,305.10 |
| Total SPRADLIN, GARY BRUCE (125064): | | | | 1,305.10 |
| STRINGARI, JOE (133091) | | | | |
| | 45947937 | REC CENTER REFUND | 09/28/2022 | 75.00 |
| Total : | | | | 75.00 |
| Total STRINGARI, JOE (133091): | | | | 75.00 |
| SYLVIA, JONATHAN (133095) | | | | |
| | 4.0230.14 | UTILITY DEPOSIT REFUND | 10/03/2022 | 59.62 |
| Total : | | | | 59.62 |
| Total SYLVIA, JONATHAN (133095): | | | | 59.62 |
| SYSTEMS GRAPHICS INC (129162) | | | | |
| ADVANCED INFO SYSTEMS | 15934 | OUTSOURCE BILLS | 09/28/2022 | 16.49 |

| Secondary Name | Invoice | Description | Invoice Date | Total Cost |
|---|------------|---|--------------|------------|
| ADVANCED INFO SYSTEMS | 15934 | OUTSOURCE BILLS | 09/28/2022 | 101.93 |
| ADVANCED INFO SYSTEMS | 15934 | OUTSOURCE BILLS | 09/28/2022 | 93.33 |
| ADVANCED INFO SYSTEMS | 15934 | OUTSOURCE BILLS | 09/28/2022 | 92.70 |
| ADVANCED INFO SYSTEMS | 15934 | OUTSOURCE BILLS | 09/28/2022 | 115.18 |
| ADVANCED INFO SYSTEMS | 15949 | OUTSOURCE BILLS | 10/10/2022 | 8.70 |
| ADVANCED INFO SYSTEMS | 15949 | OUTSOURCE BILLS | 10/10/2022 | 53.77 |
| ADVANCED INFO SYSTEMS | 15949 | OUTSOURCE BILLS | 10/10/2022 | 49.23 |
| ADVANCED INFO SYSTEMS | 15949 | OUTSOURCE BILLS | 10/10/2022 | 48.90 |
| ADVANCED INFO SYSTEMS | 15949 | OUTSOURCE BILLS | 10/10/2022 | 60.78 |
| Total : | | | | 641.01 |
| Total SYSTEMS GRAPHICS INC (129162): | | | | 641.01 |
| THE OFFICE SHOP INC (7440) | | | | |
| | 216274 | COPIER CONTRACT - POLICE DEPARTMENT | 09/30/2022 | 217.70 |
| | 216736 | COPIER/SCANNER/FAX | 10/05/2022 | 9,295.00 |
| | 216775 | COPIER CONTRACT - POLICE DEPARTMENT | 10/05/2022 | 1,547.17 |
| Total : | | | | 11,059.87 |
| Total THE OFFICE SHOP INC (7440): | | | | 11,059.87 |
| TWO SISTERS CONTRACTING LLC (132780) | | | | |
| | 09302022 | 2020 CODY SIDEWALK AND PEDESTRIAN RAMP IMPROVEMENTS PAY APP 4 | 09/30/2022 | 66,403.07 |
| | 09302022 | 2020 CODY SIDEWALK AND PEDESTRIAN RAMP IMPROVEMENTS PAY APP 4 | 09/30/2022 | 16,600.76 |
| | 09302022 | 2020 CODY SIDEWALK AND PEDESTRIAN RAMP IMPROVEMENTS RET 4 | 09/30/2022 | 4,368.62 |
| | 09302022 | 2020 CODY SIDEWALK AND PEDESTRIAN RAMP IMPROVEMENTS RET 4 | 09/30/2022 | 4,368.62 |
| | 53.1014.10 | HYDRANT METER DEPOSIT REFUND | 10/04/2022 | 395.69 |
| Total : | | | | 83,399.52 |
| Total TWO SISTERS CONTRACTING LLC (132780): | | | | 83,399.52 |
| UNUM LIFE INSURANCE - LIFE (127935) | | | | |
| | 10622 | PREMIUM | 10/06/2022 | 950.96 |
| Total : | | | | 950.96 |
| Total UNUM LIFE INSURANCE - LIFE (127935): | | | | 950.96 |
| VAN AUKEN, TRUTH (131597) | | | | |
| | 10050201 | PERSONAL TRAINING SERVICES | 10/05/2022 | 23.28 |
| | 10050202 | PERSONAL TRAINING SERVICES | 10/05/2022 | 93.10 |
| | 10050203 | PERSONAL TRAINING SERVICES | 10/05/2022 | 93.10 |
| Total : | | | | 209.48 |
| Total VAN AUKEN, TRUTH (131597): | | | | 209.48 |
| WESCO DISTRIBUTION CORP (131137) | | | | |
| WESCO/KVA/MODERN WHOLESALE | 876098 | CLIMBING BELT | 09/20/2022 | 575.00 |
| Total : | | | | 575.00 |

| Secondary Name | Invoice | Description | Invoice Date | Total Cost |
|--|-----------|---------------------------------|--------------|------------|
| Total WESCO DISTRIBUTION CORP (131137): | | | | 575.00 |
| WESTERN UNITED ELECTRIC SUPPLY (10605) | | | | |
| | 6071047 | METER BLANK COVERS | 10/06/2022 | 682.30 |
| Total : | | | | 682.30 |
| Total WESTERN UNITED ELECTRIC SUPPLY (10605): | | | | 682.30 |
| WYOMING CHILD SUPPORT (132047) | | | | |
| | 10622 | Garnishment Remittance # 227551 | 10/06/2022 | 430.15 |
| Total : | | | | 430.15 |
| Total WYOMING CHILD SUPPORT (132047): | | | | 430.15 |
| WYOMING CONFERENCE OF BUILDING OFFICIALS (124777) | | | | |
| | 10042022 | WCBO MEMBERSHIP DUES | 10/04/2022 | 50.00 |
| | 10042022 | 2022 WCBO FALL CONFERENCE | 10/04/2022 | 175.00 |
| Total : | | | | 225.00 |
| Total WYOMING CONFERENCE OF BUILDING OFFICIALS (124777): | | | | 225.00 |
| WYOMING DEPARTMENT OF WORKFORCE SERVICES (10670) | | | | |
| WORKERS COMPENSATION DIV | 10622 | CONTRIBUTIONS | 10/06/2022 | 7,634.67 |
| WORKERS COMPENSATION DIV | 10622 | PD VOLUNTEERS | 10/06/2022 | 9.02 |
| WORKERS COMPENSATION DIV | 10622 | REC VOLUNTEERS | 10/06/2022 | 112.72 |
| Total : | | | | 7,756.41 |
| Total WYOMING DEPARTMENT OF WORKFORCE SERVICES (10670): | | | | 7,756.41 |
| WYOMING MUNICIPAL POWER AGENCY (10920) | | | | |
| | 202209-1 | POWER PURCHASE - SEPT 2022 | 10/01/2022 | 322,074.53 |
| | 202209-1 | DEMAND PURCHASE - SEPT 2022 | 10/01/2022 | 489,384.35 |
| Total : | | | | 811,458.88 |
| Total WYOMING MUNICIPAL POWER AGENCY (10920): | | | | 811,458.88 |
| ZIVARO INC (131755) | | | | |
| | IC0457312 | EVAULT CLOUD DATA STORAGE | 09/23/2022 | 28.24 |
| | IC0457312 | EVAULT CLOUD DATA STORAGE | 09/23/2022 | 282.40 |
| | IC0457312 | EVAULT CLOUD DATA STORAGE | 09/23/2022 | 9.41 |
| | IC0457312 | EVAULT CLOUD DATA STORAGE | 09/23/2022 | 28.24 |
| | IC0457312 | EVAULT CLOUD DATA STORAGE | 09/23/2022 | 56.48 |
| | IC0457312 | EVAULT CLOUD DATA STORAGE | 09/23/2022 | 37.65 |
| | IC0457312 | EVAULT CLOUD DATA STORAGE | 09/23/2022 | 367.12 |
| | IC0457312 | EVAULT CLOUD DATA STORAGE | 09/23/2022 | 47.07 |
| | IC0457312 | EVAULT CLOUD DATA STORAGE | 09/23/2022 | 28.24 |
| | IC0457312 | EVAULT CLOUD DATA STORAGE | 09/23/2022 | 28.24 |
| | IC0457312 | EVAULT CLOUD DATA STORAGE | 09/23/2022 | 28.25 |
| Total : | | | | 941.34 |
| Total ZIVARO INC (131755): | | | | 941.34 |

| Secondary Name | Invoice | Description | Invoice Date | Total Cost |
|----------------|---------|--------------------|--------------|-------------------|
| Grand Totals: | | | | 1,477,448.02 |
| | | | | |
| | | Payroll 10/09/2022 | | <u>267,149.53</u> |
| | | Total | | 1,744,597.55 |

MEETING DATE: 10/18/2022

DEPARTMENT: PARKS, RECREATION,
AQUATIC AND FACILITIES

PREPARED BY: MIKE FINK

AGENDA ITEM SUMMARY REPORT

Yellowstone Quake Hockey – Recreation Membership

ACTION TO BE TAKEN:

Consider approving the request from the coach of the Yellowstone Quake Hockey Team to utilize the Paul Stock Aquatic and Recreation Center for the amount of \$2,250.

SUMMARY OF INFORMATION:

Last year, the Quake used another local gym to work out. When the coach was looking at the different gyms around town, he knew that the Paul Stock Aquatic and Recreation Center was the facility his team needed to meet their goals. The team needed to work on strength, flexibility, agility, speed and endurance. We have equipment and space to meet those needs.

When we met about memberships and pricing, Coach told us that he did have a budget of \$2,250. We also talked to him about the impact that 26 hockey players could have on our facility if they all showed up at the same time. We were able to work out a compromise where he would have half the team doing online schooling from 11:00 AM until noon while the other half worked out. Then they would switch out and the other 13 boys would work out from 1 PM until 2 PM.

FISCAL IMPACT

The student membership price is \$146.00 for six months or a total price for the entire team of \$3,796.00.

ALTERNATIVES

Approve the request and arrangement worked out between the Quake and Recreation Supervisor and for the amount of \$2,250.

Deny the request and require full membership price.

ATTACHMENTS

Agenda Request Form

AGENDA & SUMMARY REPORT TO:

Jwschmidt1@gmail.com - Josh Schmidt

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 will be notified of the date you have been scheduled to appear. You may also be contacted by City staff prior to the meeting to address concerns or provide additional information. Some requests may not require appearing before the Council for approval.

Please provide the following detailed information relating to your concern or request. **This form (and any relevant attachments) should be submitted in a timely manner, preferably at least 14 days prior to allow sufficient time for internal review. Untimely submission may result in the inability to be considered for approval.** Council packets are prepared in advance prior to Tuesday meetings. Meetings are held the first and third Tuesday of each month. Please complete the following information in full and return to City of Cody PO Box 2200 Cody, WY 82414 (Fax 307-527-6532),

Name of person to appear before the Council Josh Schmidt

Organization Represented Yellowstone Quake

Date you wish to appear before the Council 10/18/2022

Email Address jwschmidt1@gmail.com Telephone 712 577 0562

Names of all individuals who will speak on this topic Josh Schmidt

Event Title (if applicable) _____

Date(s) of Event (if applicable) _____

Location of Event (if applicable) _____

Full description of topic to be discussed (include all relevant information including any street closures, times of event, any special requirements or request etc., attach additional sheet if necessary and map showing location of event where applicable) Possibility of a Rate reduction for hockey Team using the Paul Stock Rec Center

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

Signature [Signature]

Date 10/3/2022

| | |
|---------------------|-----------------------|
| MEETING DATE: | OCTOBER 18, 2022 |
| DEPARTMENT: | COMMUNITY DEVELOPMENT |
| PREPARED BY: | TODD STOWELL |
| CITY ADM. APPROVAL: | _____ |
| PRESENTED BY: | TODD STOWELL |

AGENDA ITEM SUMMARY REPORT

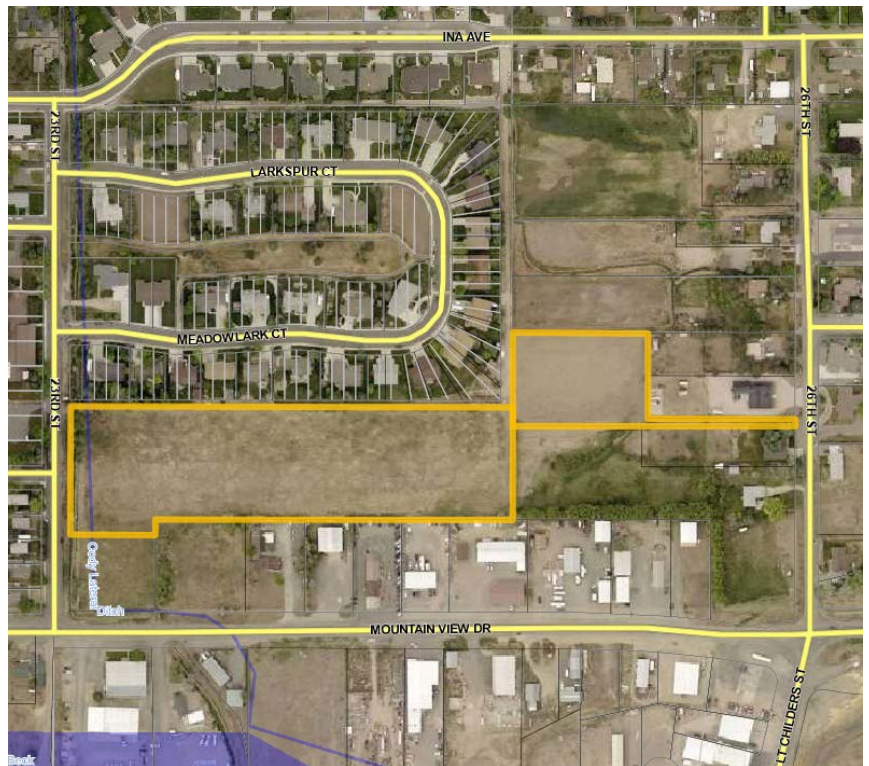
The Preliminary Plat of the Meadowlark Meadows Subdivision

ACTIONS TO BE TAKEN

Approve the preliminary plat of the Meadowlark Meadows Subdivision, a 28-lot subdivision, with associated variances and conditions of approval.

SUMMARY

Meadowlark Meadows, LLC, represented by Ed Webster, has submitted a preliminary plat application for a 28-lot subdivision identified as the Meadowlark Meadows Major Subdivision. The property is located approximately 500 feet north of Mountain View Drive, and extends from 23rd Street to 26th Street. Lots 1-24 are located in a Residential R-2 zone, while Lots 25-28 are in a Residential R-3 zone. Although Lots 1-24 are each large enough to qualify for duplexes, the owner plans to place private covenants that would limit the lots to single-family houses with the option of an accessory dwelling unit. The preliminary plat drawing is attached.



The following is the report that was presented to the Planning and Zoning Board, but modified as needed to reflect a few updates and the Board's recommendation. The developer and staff are in agreement on all items except the issue of improving the 23rd Street frontage with curb, gutter and sidewalk. Staff was strictly applying the code due to the ineffectiveness of the "future improvement district" option, while the applicant does not see a need for the improvements at this time. The Planning and Zoning Board recommends that the 23rd Street frontage improvements not be required to be installed immediately, but that a development agreement be put together to allow it to occur at a reasonable time in the future. Staff believes that is an appropriate compromise. The Board did not specifically discuss what that a reasonable time would be, but seemed to leave it up to be negotiated.

AGENDA ITEM NO. _____

Major Topics

The applicant has worked closely with City staff to develop the proposed subdivision layout. There are factors that prevent the subdivision from meeting all City standards, so some variances are necessary. Particularly, the street connection to 26th Street is not able to meet standard width requirements for subdivisions. It will only have 22 feet of asphalt, when 34 feet is the typical residential local access street. By prohibiting on-street parking in that area, there is sufficient width to meet fire code standards. However, with the narrower street width, staff and the applicant wanted to minimize traffic on the street, which is accomplished by having two cul-de-sacs, instead of running the street all the way through between 23rd and 26th Street. The two cul-de-sacs that result are longer than specified in the subdivision and fire code, but are acceptable to public works, planning and the fire marshal. Although the two cul-de-sacs do not provide vehicle connection, there is a sidewalk/pathway that would connect the two for pedestrian and bike use.

SUBDIVISION REGULATIONS

The subdivision ordinance requirements are as follows. Staff comments follow each requirement. When a variance from the standard is involved, it is noted.

11-4-2: STREETS, ALLEYS AND EASEMENTS:

A. Alignment: All proposed streets, alleys and easements shall align horizontally and vertically with existing streets, alleys and easements adjacent to or lying near the subdivision.

Comment: The proposed street will tie into existing streets at a 90-degree angle. The grades will be verified in the construction plans to be submitted with the final plat.

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

Comment: No interior streets through this property are identified in the master street plan. Both 23rd Street and 26th Street have sufficient right-of-way width (60' each) for their classifications. 23rd Street was originally developed as part of the adjacent Dacken Subdivision, which utilized very wide streets. 23rd Street is currently identified as a local street on the street master plan, which would dictate a pavement width of 34 feet, plus curb, gutter and sidewalk on both sides. It presently has about 33 feet of pavement width and curb, gutter and sidewalk are only on the opposite (west) side. The preliminary plat does not indicate an intent to widen 23rd Street or provide curb, gutter and sidewalk. However, the requirement is recommended to be imposed. It would involve saw cutting and installing a new strip of asphalt (about 2 feet wide) between the new curb and gutter. Sidewalk could be installed either adjacent to the curb, or as a separated pathway, or as a variation of each. Sidewalk placement can be discussed further in preparation for the construction plans.

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

Comment: The street jog in Songbird Court is necessary to equalize the lot depths. The street jog in Singing Lark Court is necessary due to land ownership boundaries. There are no unnecessary street jogs.

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

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

AGENDA ITEM NO. _____

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

Comment: Met.

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

Comment: Met. The interior streets are both dead ends, for the reasons noted at the beginning of this staff report.

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

Comment: Singing Lark Court is about 600 feet long. Songbird Court is about 1,000 feet long. Variances to the length are requested. The fire marshal is okay with the variances, so long as each cul-de-sac does not serve more than 30 dwellings units (primary and accessory). A note to that effect will need to be included on the plat as a condition of the variances. (See also density discussion at end of report.)

The proposed cul-de-sac bulb size meets the requirement. Due to topography, drainage cannot be towards the existing streets. Therefore, adequate internal stormwater management will be needed.

Songbird Court is the typical "residential street" section. A variance to authorize the internal street section proposed for Singing Lark Court is requested for its width, and to require a sidewalk on only one side in the portion with restricted width.

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

Comment: Cul-de-sacs are the exception to the dead-end prohibition.

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

Comment: Not applicable. (The current half-street situation along 23rd Street would be corrected with the improvement of the 23rd Street frontage.)

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

Comment: A variance may be necessary for the jog in Singing Lark Court, but Public Works is planning to work with the engineer on a plan to minimize it (slightly pull back SW corner of Lot 24). Some adjustment may be warranted, but not necessarily to the full 100-foot standard. Public Works can work with the applicant's engineer on this as well and report with the final plat.

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

AGENDA ITEM NO. _____

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

Comment: The subdivision ordinance has not been updated to reflect the residential street profile of the street master plan, so a variance is requested to the 60-foot right-of-way width shown in the table. The master plan notes a 50-foot right-of-way width. Utilities are provided with additional easement beyond the street right-of-way.

The 49-foot width shown for Songbird Court needs to be widened to 50 feet, so as to avoid having to offset the survey pins. The 32-foot right-of-way width for Singing Lark Court needs a variance to be allowed.

Grade requirements will be met.

L. Vertical Curve Length: The minimum length of vertical curves shall be as follows...

Arterial, collector and residential streets: 15 times the algebraic difference in the rate of grade.

Comment: Anticipated to be met. It will be verified in the construction plans with the final plat.

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

Comment: Met.

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

Comment: The offset on Singing Lark Court appears to be less. A 100-foot radius is often authorized where there are low speeds. A 100-foot radius is proposed, but may be able to be increased.

O. Streets with Interior Angles: ...For street intersections with an interior angle greater than seventy degrees (70°), the curb shall be rounded by a radius of nine and one-half feet (9½').

Comment: Met. 9½ feet is the minimum. The radii proposed are larger, and appreciated.

P. Alleys: Alleys shall be required in all subdivisions with the minimum width being twenty feet (20'), unless extreme conditions preclude the feasibility of alleys... Alleys shall be constructed with a minimum of six inches (6") of crushed aggregate base course for the finished surface. The specification for the gradation of the crushed aggregate base course may be obtained from the city engineer.

Comment: A variance to the alley requirement is requested, as all utilities will be along the streets and garbage collection will be with roll-out containers to the street. The existing alley that runs north-south will be available to access the utilities at the bend between the two cul-de-sacs. There is no garbage service in that alley. The existing alley along the north side of Lots 1-9 is platted, but has no improved surface. Many of the landowners to the north have encroached into the alley (use it as part of their yard), so it is not drivable. This subdivision is not being asked to correct those encroachments or install a drivable surface on that alley. It is noted that there is not a suitable canal crossing for garbage trucks or other large vehicles at the end of that alley.

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Q. Curb, Gutter, Sidewalk, Paved Streets: Curb, gutter, sidewalk and paved streets shall be required in all proposed subdivisions unless waived in accordance with criteria set out in subsection 11-5-2B of this title by the planning, zoning and board, and the city council. All waivers of curb, gutter and sidewalks shall require acknowledgment by the developer on the final plat that future improvement districts for the development of curb, gutter and sidewalks shall be supported by future owners of the lots and be so noted on the final plat. The developer shall be responsible for demonstrating to the city that the grades and location of the proposed improvements shall be compatible with all future development in the area.

Comment: Curb, gutter and sidewalk and paved streets are proposed for both interior streets. Staff recommended that curb, gutter and sidewalk also be required at this time along 23rd Street, to which the developer objects. As an acceptable second option, the idea was presented of allowing a delay in its installation, but not to waive the requirement. The developer's engineer presented the idea of having the lot owners be required to participate in the improvements as a condition of their lot purchase agreements. The Planning and Zoning Board recommendation is that an agreement be developed to allow the curb, gutter, and sidewalk along 23rd Street to be installed at a later time. A "trigger" for when the improvements are required will be needed and can be negotiated with the developer as part of the final plat process. It is noted that this is not a formal "improvement district" which would take a future process to form with other neighboring landowners, but a specific development agreement that commits the lot owners on Songbird Court to the specific improvements to 23rd Street.

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

Comment: As noted in "K" above, a variance is needed for the narrow portion of Singing Lark Court.

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

Comment: No storm sewer facilities exist in the area.

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

Comment: The engineer plans to submit the drainage report and full plan with the final plat and construction documents. The concept is shown in that a series of intermediate infiltration trenches would be installed at various points along the streets, as indicated by the 10' by 50' utility (actually drainage) easements.

Staff notes that the easements should be reconfigured for two reasons. First, no fences are permitted to run down easements, so in order to have a fence along a side property line, the easement needs to be entirely to one side. Also, the infiltration trench needs to be sufficiently far from a foundation that it does not cause soil stability or water problems. On the West Avenue

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subdivision, which has a similar system, the lot lines and easement boundaries were configured to provide a minimum of eight feet between the trench and closest possible houses because of this concern. Additional design will be made and incorporated into the proposed construction plans. The developer may also utilize other configurations acceptable to public works, such as one or two large facilities towards the east end of the cul-de-sac.

A maintenance agreement or homeowner's association containing adequate provisions for the perpetual care and maintenance of the detention facilities will be needed. The agreement will need to include language that the City can enforce the agreement.

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

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

Comment: All lots meet minimum size requirements (5,500 square feet for single-family lot in R-2 and 3,200 square feet for R-3), as well as minimum frontage and minimum average lot width.

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

Comment: Met.

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

Comment: Met.

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

Comment: Met.

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

Comment: Impossible to meet due to the surrounding development pattern, unless the amount of street improvements is significantly expanded. A variance is justified.

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

C. Curbs, Gutters and Sidewalks: Curbs, gutters, and sidewalks shall be constructed along both sides of any proposed streets. ...

Comment: Will be met as proposed and conditioned.

D. Street Design, Construction: Streets shall be designed and constructed according to accepted engineering practices and construction standards with the minimum cross section being the city standard.

Comment: The road base and asphalt depths will be determined for the construction plans. The City has authorized a newer, shorter rolled-curb design that can be used. Coordinate with Public Works.

E. Street Name Signs: Street name signs shall be installed at all intersections.

Comment: The street, stop, and "No Outlet" signs will need to be shown on the construction plans. The street name of Song Bird Court has been recommended to be modified to the single word name of Songbird. The name Singing Lark Court has been approved by the street naming committee.

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F. Sanitary Sewer: Sanitary sewer shall be constructed according to city approved specifications and city construction standards, and shall connect to the city system. It shall also be approved by all appropriate state and/or federal agencies. Each lot within the proposed subdivision shall be connected to a minimum eight-inch (8") diameter sewer main by a minimum four-inch (4") diameter sewer service line. The service lines shall be extended from the sewer main to the property line according to city standards. The use of individual septic systems will not be permitted when a sanitary sewer main is available. If, in the city's opinion, a larger sewer main is necessary to allow for future development of adjacent areas, an agreement may be entered into between the developer and the city whereby the city may help finance the oversized main. It will be the developer's responsibility to ensure that the piping system for the proposed subdivision is connected to the city system.

Comment: The preliminary plat did not show any individual utility services, only the mains. Review will occur with the construction plans and final plat.

G. Storm Sewer: Storm sewer shall be constructed according to city approved specifications, separate from the sanitary sewer. When reasonably possible the storm sewer shall be connected to the existing storm sewer system.

Comment: There is no storm sewer system in the City street system in the area. As noted previously, an internal drainage system is proposed.

H. Water Mains: All water mains will be designed and constructed according to city approved specifications and the city standards. The system will connect each lot within the proposed subdivision to a minimum six-inch (6") diameter main by the use of a minimum three-fourths inch ($\frac{3}{4}$ ") copper service line. The service lines shall be extended from the main to the property line according to city standards. These mains will be connected to the city system. All water mains will be designed in accordance with the city plan, state and federal regulations, and designed to provide adequate flow and pressure under all conditions, including major fire conditions...

Comment: As Lots 1-24 have the potential for accessory dwelling units in addition to primary dwelling units, it is recommended that 1" lines and curb stops be installed for those lots (rather than $\frac{3}{4}$ "). If only a single dwelling is to be constructed on a lot, so long as the line is reduced to $\frac{3}{4}$ " at the curb stop and extended as $\frac{3}{4}$ " to the house, the City would only charge the $\frac{3}{4}$ " base fee on the monthly bill. If the owner wanted separate $\frac{3}{4}$ " services for the main house and the accessory dwelling, the 1" line could be split accordingly.

I. Fire Hydrants: Fire hydrants shall be installed at intervals not to exceed five hundred feet (500') between hydrants and provided with standard hose connections as specified by the fire department.

Comment: Fire hydrant locations will be presented on the construction plans, and are subject to Fire Marshal approval, as well as the City.

J. Open Drains, Irrigation Ditches: All open drains and irrigation ditches shall be buried or, if possible, eliminated.

Comment: There is a large canal along the west end of this subdivision. Due to its size, burying or piping the canal has not been requested by Cody Canal. This is consistent with other sections of this same canal not being required to be piped.

The preliminary plat did not identify a small irrigation ditch/drain that crosses Lot 28 and Singing Lark Court. It is part of a McMillin Irrigation Company system. The ditch/drain will need to be accommodated per their standards, and if it remains within the subdivision, it must be piped.

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N. Public Use Areas: There shall be conveyed to the city an area or areas of land or the cash equivalent thereof, on the basis of one acre per fifty (50) prospective dwelling units, to provide for parks, fire stations, recreational areas and other public uses. This requirement shall be in addition to lands dedicated for streets and alleys. ... The dedication of land or cash in lieu of land shall be at the sole discretion of the city council, with recommendation from the planning and zoning board and the parks and recreation department. If subsequent rezoning or resubdivision would result in a higher number of prospective dwelling units, additional land or cash equivalent shall be conveyed to the city. If the city council elects to require cash in lieu of land, the amount thereof shall be the fair market value of the land. If the city and the subdivider cannot agree on that value, each shall designate an appraiser and the two (2) appraisers so selected shall arrive at a recommended market value, which shall be binding upon the parties...

Comment: The Public Use Area requirement is applicable. In practice, accessory dwelling units are not counted towards this calculation. Based on 28 dwelling units, 0.56 acres of public use area would be required. However, the recommendation is to accept cash in lieu of the land. Using the 2022 County Assessor land values, and calculating Lots 1-19 separate from Lots 20-28 due to differing assessed land values for each underlying parcel, the total comes to \$28,517.

However, as will be noted below, Public Works has asked for a portion of the utility corridor between the two cul-de-sacs to be transferred to the City as right-of-way (the portion containing the sidewalk and wet utilities—sewer, water and irrigation). If that is the desire of City council, staff would propose that the value of that right-of-way be discounted from the cash-in-lieu amount. The cost of the section of sidewalk/pathway between the two cul-de-sacs could also be discounted from the cash-in-lieu amount.

OTHER:

Irrigation: The applicant proposes to transfer surface water rights from this property to the City and extend City raw water through the subdivision. Public Works is planning to participate in the cost of upsizing the line, so that it can function as a trunk line for future extension of raw water to the east. The property owner is responsible for the application, costs and processing of the transfer.

A new state law requires that the paperwork for that transfer be presented and accepted by the State before the City can give final plat approval.

Currently the raw water line is provided with a 20-foot easement. The easement may be reduced to 15 feet. Public Works wants the line to be placed 5 feet off the property line, with 10 feet on the west and north side. The easement must be west of the lot line between Lots 15 and 16.

Utility Layout: Public Works indicates that the separation of the sewer main, raw water main and treated water mains may be reduced to six feet (currently about 8-9') in the utility corridor connecting the two cul-de-sacs, and in Singing Lark Court. WY DEQ has authorized that spacing on similar tight situations. This will allow the width of the utility corridor to be reduced in the area between the cul-de-sacs.

Electrical: The electrical division has provided a conceptual layout for the electrical system, which is attached. The third-party utilities (TCT, Spectrum, and Black Hills Energy) have indicated their intent

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to go in the same trenches. The portion of the plan for Songbird Court can be flipped top to bottom, so that it utilizes the conduits already installed under the canal.

Note that the pole that has to be removed from the entrance of Songbird Court will be replaced with two poles, one to the north and one to the south, with each fed by a different substation. Any other utility providers using the pole line will also need to relocate, so coordinate with those providers as well. Include notes in the construction plans.

Sidewalk/Pathway Width:

The width of the bike and pedestrian connection between the two cul-de-sacs has not been specified on the plans. A 5-foot concrete sidewalk or 8-foot asphalt path would be acceptable.

Right-of-Way for Sidewalk/Pathway:

Public Works requests City right-of way for the sidewalk/pathway connection and wet utility lines (sewer, water and power) in the utility corridor between the two cul-de-sacs. Planning staff was somewhat reluctant to support this request based on the thought that a private landowner would take better care of the area than the City. However, in any case, the property lines between Lots 9 and 10 must be coordinated so that it is either just north of the north edge of the sidewalk/pathway, or at the south side of the utility corridor, so that fencing can be placed on the property line.

Mailboxes:

Locations for common mailbox pedestals have not been identified. Locations must be determined with the Post Office and City. The City is thinking at either the southwest corner of Lot 24 or the southeast corner of Lot 20 for the properties on Singing Lark Court, and the east side of either Lot 2 or 18 for the lots on Songbird Court.

Future Development:

It is anticipated that at some point, the property south of the cul-de-sac on Singing Lark Court will be developed. To accommodate a double cul-de-sac configuration (mirror proposed bulb), put the southeast triangle portion of Lot 20 into the street right-of-way—draw the right-of-way line north-south.

Requested edits to Plat map:

- 1) Modify the Singing Lark Court right-of-way to accommodate the potential double-bulb configuration just mentioned.
- 2) Expand lots 9, 10, and 11 into the sewer easement/R-W, and modify the dimensions accordingly.
- 3) Correct the width dimensions on Lots 1 and 19.
- 4) Reduce the raw water easement from 20' to 15' and shift it to be entirely to one side of any lot line.
- 5) Relabel the 10' by 50' easements, as "drainage" instead of "utility", shift each to be entirely to one side of any lot line, and reconfigure based on the stormwater calculations and the language in this report. Coordinate locations to avoid utility conflicts. (Or modify as necessary to accommodate a modified drainage plan.)
- 6) Add the recording information for existing easements.

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- 7) Widen the right-of-way of Songbird Court to 50 feet.
- 8) Change "Song Bird" to "Songbird".
- 9) Add a 5-foot utility easement for the electric line on the side of Lot 3 or 4.

Sidewalk Modification Request:

The Planning and Zoning Board agreed to allow the sidewalk to stop at the southwest corner of Lot 24, rather than extend all the way to the east side of Lot 24.

Density Limitations:

As noted previously, the fire code limits the total number of dwelling units on each of the cul-de-sacs to 30. Songbird Court is a full width street, yet as Singing Lark Court will only be 22 feet wide, it raises the question whether a maximum of 30 units is too much for that street. With the property south of the Singing lark Court cul-de-sac bulb being zoned R-3, that property owner has the potential to greatly increase the number of dwelling units served by this public road (by about 20 dwelling units), unless there is a limitation imposed based on the current variance granted for the width of the street as it is now being built. The Board and Council can discuss the situation and determine if additional limits on the density are justified. In planning staff's view the "minimal street" cross section (24' pavement width) that Singing Lark Court most closely resembles was only intended for 9 to 12 dwellings. The current subdivision is already in that range. If the future development to the south is looped back to 26th, it is not as much of an issue, but if it remains a dead-end, traffic from up to 30 dwellings just seems like a lot. The Planning and Zoning Board agreed and recommended a limit of 18 dwelling units on Singing Lark Court, as a dead-end street. If it is looped back to 26th Street, there would be no limitation.

Miscellaneous:

For purposes of providing direction for preparation of the construction plans and final plat, the following comments are provided.

- a. Curb stops are to be placed near the back of sidewalk, and a pigtail run below the dry utility trench to the back of the utility easement.
- b. Raw water valves are to be placed near the back of sidewalk. No pigtail is needed.
- c. Extend the sewer services to the back of the utility easement.
- d. Note the installation of 1" water services for Lot 1-24, as mentioned in the staff report.
- e. Note the abandonment of any unused utilities, per the requirements of the utility providers.

VARIANCES:

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

If during the approval process of a proposed subdivision it can be shown that strict compliance with the requirements of this title will result in extraordinary hardship to the subdivider due to unusual topography or other similar land conditions, or where the subdivider can show that variances will make a greater contribution to the intent and purpose of this title, the commission and council may, upon written request and proper justification, grant a variance to this title so that substantial justice may be done and the public interest secured; provided, that any such variance will not have the effect of nullifying the intent and purpose of this title.

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Planning staff would recommend approval of the variances noted in the staff report for the reasons explained.

POTENTIAL MOTION:

The Planning and Zoning Board recommends that the City Council approve the preliminary plat for the proposed Meadowlark Meadows subdivision, and grant the variances listed, subject to the listed conditions:

Subdivision Variances:

1. To allow use of the master plan street section and corresponding reduction in right-of-way width for Songbird Court.
2. To allow the street section, right-of-way width, and cul-de-sac length as proposed on the preliminary plat drawing for Singing Lark Court, on the condition that no more than 18 dwelling units utilize the street for access while it remains a dead-end street—this subdivision is entitled to fourteen of those dwelling units.
3. To allow the extended cul-de-sac length proposed for Songbird Court, on the condition that no more than 30 dwelling units be served by Songbird Court, unless more are authorized by the fire marshal.
4. To allow a 100-foot curvature radius on the internal street. (May be further reduced based on construction plans.)
5. To waive the alley requirement, and any improvements to the existing alley.
6. To waive the block length requirement.
7. To waive burying (piping) of the canal along the west end of the subdivision.
8. To allow a delay in the installation of the curb, gutter, and sidewalk and related asphalt along 23rd Street, contingent upon development of an agreement with the City to ensure the installation of those improvements at a reasonable time in the future.

Conditions/Clarifications:

1. No more than 18 dwelling units shall utilize Singing Lark Court for primary access while it remains a dead-end street—this subdivision is entitled to fourteen of those dwelling units. The property to the south of the cul-de-sac is entitled to three of those dwelling units and the property to the north of the straight section of street is entitled to one of those dwelling units. If Singing Lark Court is looped as a public street back to 26th Street or Mountain View Drive, these restrictions will no longer apply. Add a note to the final plat to this effect.
2. No more than 30 dwelling units may be served by Songbird Court, unless otherwise authorized by the fire marshal. Add a note to the final plat to this effect.
3. The cash-in-lieu-of-public-use-area amount may be reduced by the value of the sidewalk/pathway connecting the two cul-de-sacs, and if right-of-way is provided for the wet utilities in that corridor, by the assessed land value of the land in that right-of-way.
4. Finalize the cost-sharing agreement for the raw water system no later than with the final plat.
5. Work with public works to minimize the jog effect on Singing Lark Court (pull back SW corner of Lot 24?).

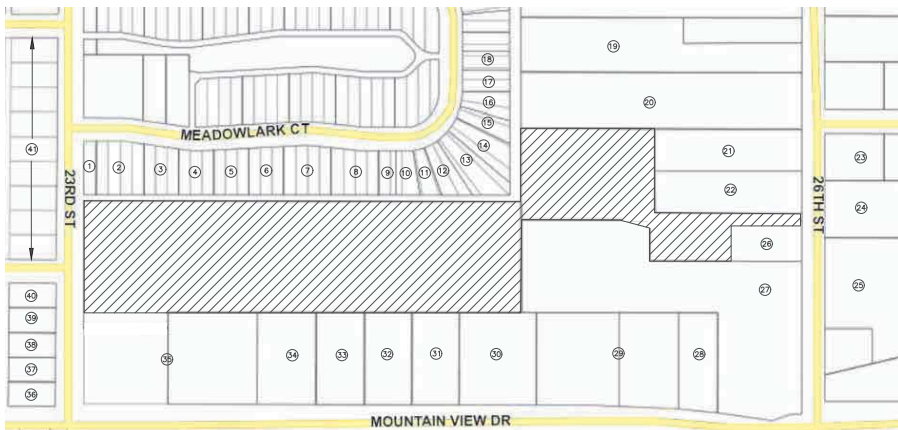
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6. Provide a development agreement relating to the improvement of the 23rd Street frontage (34' total pavement width, curb, gutter, and sidewalk) that commits either the developer and/or the lot owners to participate in the construction of those improvements upon a specified trigger (e.g. upon a specified date, upon sale of ___ lots, upon issuance of the ___th building permit, in coordination with construction of the same on lots to the north or south). The terms of the development agreement will be considered in conjunction with the final plat review.
7. Work with the City on the development of the stormwater plan and easements to comply with the direction noted in the staff report (no lot lines down easements, separation from foundations, coordination with utilities.)
8. A maintenance agreement and/or homeowner's association shall be established for maintenance of the storm water infiltration facilities (trench). Submit the proposed document(s) with the final plat.
9. Incorporate the nine requested edits to the plat map noted in the staff report.
10. The raw water easement on Lot 16 can be reduced to 15 feet, with the pipe offset five feet from the east and south property lines.
11. Reflect the five "Miscellaneous Items" noted in the staff report in the construction plans.
12. As the preliminary plat did not show fire hydrants or the individual utility services, continue to coordinate their locations with the City.
13. Work with the Electric Division to finalize the electrical layout. *(Note: Lead time for equipment is currently very long. The sooner the layout can be finalized, the sooner we can invoice and order materials.)*
14. The applicant will need to contact the post office for mail box location(s). The final location must be authorized by both the Post Office and City.
15. Address the small McMillin irrigation ditch. Any portion remaining in the subdivision is to be piped.
16. The process to transfer the surface water rights to the City must comply with state statute 15-1-415(e), which relates to timing of submitting the application to the state. Authorization from Cody Canal to detach the water rights is part of the process as well.
17. The final plat application and construction documents shall otherwise comply with the City subdivision ordinance.

ATTACHMENTS:

Preliminary Plat and Conceptual electrical layout

Available but not attached: Application, deeds, easements.



VICINITY MAP

1" = 150'

- 18 ANSHUTZ, KAROLE L: 2113 23RD STREET, CODY, WY 82414
 19 CODY COUNTRY RENTALS, LLC: 2976 HAMPTON DRIVE SW, TUMWATER, WA 98512
 20 EDE, DEANNA S: 2220 KEEPER BLVD S, CODY, WY 82414
 21 FIRST PRESBYTERIAN CHURCH OF CODY: 2025 23RD ST, CODY, WY 82414

LANDOWNER KEY

- 1 CODY, CITY OF, PO DRAWER 2200, CODY, WY 82414
 2 WORMALD, TRACY & KATHY FAMILY TRUST: 2308 MEADOWLARK CT, CODY, WY 82414
 3 CURRAH FAMILY TRUST: 2314 MEADOWLARK CT, CODY, WY 82414
 4 MCCARTEN, JAY JAMES & ASHLEY: 2320 MEADOWLARK CT, CODY, WY 82414
 5 MEIER, TYLER & USA TRUST: 2326 MEADOWLARK CT, CODY, WY 82414
 6 McDONALD, GREGG W. & JANENE J.: 2332 MEADOWLARK CT, CODY, WY 82414
 7 WADE FAMILY REVOCABLE TRUST: 2340 MEADOWLARK CT, CODY, WY 82414
 8 BANK, JERRY & DEBRA A.: 2348 MEADOWLARK CT, CODY, WY 82414
 9 SINGER, KATHLEEN A. LIVING TRUST: 1702 23RD ST, CODY, WY 82414
 10 COOK, CLINTON B. & JULIA N.: PO BOX 70, CODY, WY 82414
 11 SOUTHWICK, VIRGINIA R. TRUST: 841 RIVERSIDE AVE, POWELL, WY 82435
 12 PRICE, GLADYS J. LIVING TRUST: POB 70, CODY, WY 82414
 13 HIPPIS, CYNTHIA S.: 2364 MEADOWLARK CT, CODY, WY 82414
 14 NELSON, MICHAEL A. & KATHY G. REVOCABLE TRUST: 2368 MEADOWLARK CT, CODY, WY 82414
 15 MEADOWS, DONNA R.: PO BOX 2475, CODY, WY 82414
 16 FARRELL FAMILY TRUST: 2372 MEADOWLARK CT, CODY, WY 82414
 17 PRICE, GLADYS J. LIVING TRUST: POB 70, CODY, WY 82414
 18 OPELAND LIVING TRUST: 1175 PANORAMA DRIVE, COLORADO SPRINGS, CO 80904
 19 CLARKE, MICHAEL TERENCE: 1857 26TH ST, CODY, WY 82414
 20 TRUMAN, ART & CARTON, JULIE: POB 3141 LAKE STATION, WYN, WY 82190
 21 LITTELL, HANNAH L.: 2019 26TH ST, CODY, WY 82414-9702
 22 PRESEKOWSKI FAMILY TRUST: 2101 26TH STREET, CODY, WY 82414
 23 WOODS, WILBUR J. & DOROTHY L.: 2002 26TH STREET, CODY, WY 82414
 24 ANDERSON FAMILY REVOCABLE LIVING TRUST: 2102 26TH STREET, CODY, WY 82414
 25 HAMPER, SAMANTHA L. & SANDRA L.: PO BOX 2952, CODY, WY 82414
 26 VAN DUSEN, DALE A.: 2131 26TH ST, CODY, WY 82414
 27 HAMAN, DONNA MAE & KIRK JOINT TRUST: 2137 26TH ST, CODY, WY 82414
 28 YELLOWSTONE SPORTS MEDICINE & BONE & JOINT CLINIC, LLC: 720 LINDSAY LANE, CODY, WY 82414
 29 WARREN, RICHARD K. & SHARON K.: 2235 E. VIA DEL PALO, QUEEN CREEK, AZ 85142
 30 KRAFT INVESTMENTS, INC.: PO BOX 275, CODY, WY 82414
 31 RUTH FAMILY TRUST: 9 MARQUETTE DRIVE, CODY, WY 82414
 32 KRAFT INVESTMENTS, INC.: PO BOX 275, CODY, WY 82414
 33 HAWTHORNE, LLOYD: 220 INDUSTRIAL AVE, GRANBURY, TX 76049
 34 MOM AND POP COMMERCIAL LLC: 1807 14TH ST, CODY, WY 82414
 35 WEBSTER ENTERPRISES, INC.: 1226 11TH ST, CODY, WY 82414
 36 BENT, MAURICE H.: 2125 23RD STREET, CODY, WY 82414
 37 SWANSON, DARRELL & LAUREL: 2119 23RD ST, CODY, WY 82414

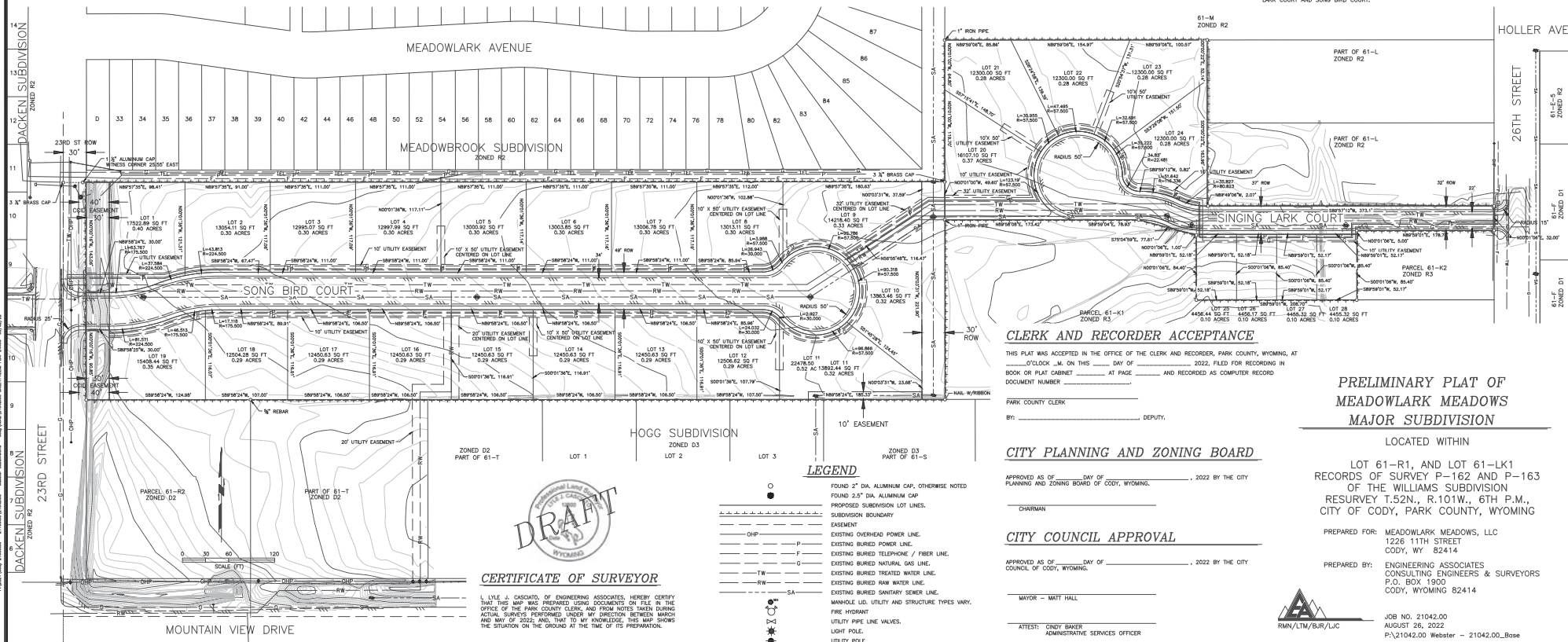
CERTIFICATE OF OWNER

STATE OF WYOMING }
 COUNTY OF PARK } SS.
 KNOW ALL MEN BY THESE PRESENTS THAT I, THE UNDERSIGNED, HEREBY CERTIFY THAT I AM THE
 OWNERS AND PROPRIETOR OF THE LANDS SHOWN HEREON, AS RECORDED IN THE PARK COUNTY
 CLERK'S OFFICE IN DOCUMENTS _____
 THAT I HAVE CAUSED SAID PROPERTY TO BE SURVEYED AND PLATTED AS SHOWN HEREON AS THE
 MEADOWLARK MEADOWS MAJOR SUBDIVISION LOCATED WITHIN THE CITY OF CODY; THAT THE
 SUBDIVISION AS APPEARS ON THIS PLAT IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE
 DESIRES OF THE UNDERSIGNED OWNER AND PROPRIETOR; THAT I HEREBY DEDICATE EASEMENTS
 LABELED HEREON TO THE USES SO NOTED; THAT SAID LANDS ARE SUBJECT TO ANY EASEMENTS,
 RIGHTS-OF-WAY AND MINERAL RIGHTS OR RESERVATIONS ON RECORD.
 G. EDWARD WEBSTER
 MEADOWLARK MEADOWS, LLC
 STATE OF WYOMING }
 COUNTY OF PARK } SS.
 THE FOREGOING CERTIFICATE OF OWNER WAS ACKNOWLEDGED BEFORE ME BY C. EDWARD WEBSTER
 THIS _____ DAY OF _____, 20____, WITNESS MY HAND AND OFFICIAL SEAL.
 MY COMMISSION EXPIRES: _____

NOTARY PUBLIC

NOTES

- BEARINGS ARE BASED ON THE CITY OF CODY COORDINATE SYSTEM, WHICH IS BASED ON THE WYOMING COORDINATE SYSTEM NAD83 WEST CENTRAL ZONE
- TOTAL SUBDIVISION ACREAGE: 9.82 ACRES
- THERE ARE NO AREAS SUBJECT TO FLOODING OR WETLANDS.
- LOTS 1-24 ARE ZONED MEDIUM-LOW DENSITY RESIDENTIAL (R2) AND LOTS 25-28 ARE ZONED MEDIUM-HIGH RESIDENTIAL (R3).
- NO R3 ZONED LOTS DESIGNATED FOR MULTIFAMILY DWELLINGS.
- NO STREET PARKING ON SINGING LARK COURT EXCEPT IN CUL-DE-SAC.
- WATER RIGHTS UNDER CODY CANAL IRRIGATION DISTRICT TO BE TRANSFERRED TO CITY OF CODY
- PUBLIC USE AREA: CASH IN LEVY OF LAND REQUESTED WITH CREDIT FOR SIDEWALK BETWEEN SINGING LARK COURT AND SONG BIRD COURT.



CLERK AND RECORDER ACCEPTANCE

THIS PLAT WAS ACCEPTED IN THE OFFICE OF THE CLERK AND RECORDER, PARK COUNTY, WYOMING, AT
 _____ O'CLOCK _____ A.M. ON THIS _____ DAY OF _____, 2022, FILED FOR RECORDING IN
 BOOK OR PLAT CABINET _____ AT PAGE _____ AND RECORDED AS COMPUTER RECORD
 DOCUMENT NUMBER _____

PARK COUNTY CLERK _____
 BY: _____, DEPUTY.

CITY PLANNING AND ZONING BOARD

APPROVED AS OF _____ DAY OF _____, 2022 BY THE CITY
 PLANNING AND ZONING BOARD OF CODY, WYOMING.

CHAIRMAN

CITY COUNCIL APPROVAL

APPROVED AS OF _____ DAY OF _____, 2022 BY THE CITY
 COUNCIL OF CODY, WYOMING.

MAYOR - MATT HALL

ATTEST: CINDY BAKER
 ADMINISTRATIVE SERVICES OFFICER

PRELIMINARY PLAT OF MEADOWLARK MEADOWS MAJOR SUBDIVISION

LOCATED WITHIN

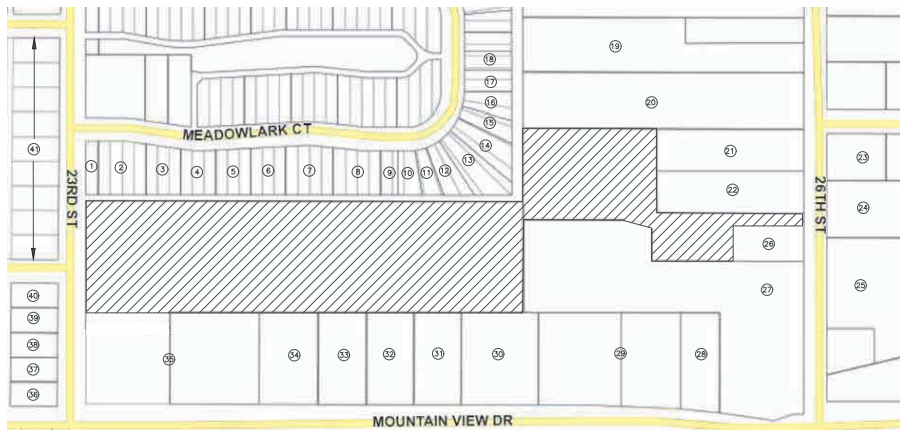
LOT 61-R1, AND LOT 61-LK1
 RECORDS OF SURVEY P-162 AND P-163
 OF THE WILLIAMS SUBDIVISION
 RESURVEY T.52N., R.101W., 6TH P.M.,
 CITY OF CODY, PARK COUNTY, WYOMING

PREPARED FOR: MEADOWLARK MEADOWS, LLC
 1226 11TH STREET
 CODY, WY 82414

PREPARED BY: ENGINEERING ASSOCIATES
 CONSULTING ENGINEERS & SURVEYORS
 P.O. BOX 1900
 CODY, WYOMING 82414



JOB NO. 21042.00
 AUGUST 26, 2022
 P:\21042.00 Webster - 21042.00_Base



VICINITY MAP

1" = 150'

- 38 ANSHUTZ, KAROLE L: 2113 23RD STREET, CODY, WY 82414
 39 CODY COUNTRY RENTALS, LLC: 2376 HAMPTON DRIVE SW, TUMWATER, WA 98512
 40 EDE, DEANNA S: 2220 KEEPER BLVD S, CODY, WY 82414
 41 FIRST PRESBYTERIAN CHURCH OF CODY: 2025 23RD ST, CODY, WY 82414

LANDOWNER KEY

- 1 CODY, CITY OF, PO DRAWER 2200, CODY, WY 82414
 2 WORMALD, TRACY & KATHY FAMILY TRUST: 2308 MEADOWLARK CT, CODY, WY 82414
 3 CURRAH FAMILY TRUST: 2314 MEADOWLARK CT, CODY, WY 82414
 4 MCCARTEN, JAY JAMES & ASHLEY: 2320 MEADOWLARK CT, CODY, WY 82414
 5 MEIER, TYLER & USA TRUST: 2326 MEADOWLARK CT, CODY, WY 82414
 6 MCDONALD, GREGG W. & JANENE J.: 2332 MEADOWLARK CT, CODY, WY 82414
 7 WADE FAMILY REVOCABLE TRUST: 2340 MEADOWLARK CT, CODY, WY 82414
 8 BANK, JERRY & DEBRA A.: 2348 MEADOWLARK CT, CODY, WY 82414
 9 SINGER, KATHLEEN A. LIVING TRUST: 1702 23RD ST, CODY, WY 82414
 10 COOK, CLINTON B. & JULIA N.: PO BOX 70, CODY, WY 82414
 11 SOUTHWICK, VIRGINIA R. TRUST: 841 RIVERSIDE AVE, POWELL, WY 82435
 12 PRICE, GLADYS J. LIVING TRUST: POB 70, CODY, WY 82414
 13 HPPIS, CYNTHIA S.: 2364 MEADOWLARK CT, CODY, WY 82414
 14 NELSON, MICHAEL A. & KATHY G. REVOCABLE TRUST: 2368 MEADOWLARK CT, CODY, WY 82414
 15 MEADOWS, DONNA R.: PO BOX 2475, CODY, WY 82414
 16 FARRELL FAMILY TRUST: 2372 MEADOWLARK CT, CODY, WY 82414
 17 PRICE, GLADYS J. LIVING TRUST: POB 70, CODY, WY 82414
 18 COPELAND LIVING TRUST: 1175 PANORAMA DRIVE, COLORADO SPRINGS, CO 80904
 19 CLARKE, MICHAEL TERENCE: 1857 26TH ST, CODY, WY 82414
 20 TRUMAN, ART & CARTON, JULIE: POB 3141 LAKE STATION, WY, WY 82190
 21 LITTELL, HANNAH L.: 2019 26TH ST, CODY, WY 82414-9702
 22 PRESEKOWSKI FAMILY TRUST: 2101 26TH STREET, CODY, WY 82414
 23 WOODS, WILBUR J. & DOROTHY L.: 2002 26TH STREET, CODY, WY 82414
 24 ANDERSON FAMILY REVOCABLE LIVING TRUST: 2102 26TH STREET, CODY, WY 82414
 25 HAMPER, SAMANTHA L. & SANDRA L.: PO BOX 2952, CODY, WY 82414
 26 VAN DUSEN, DALE A.: 2131 26TH ST, CODY, WY 82414
 27 HAMAN, DONNA MAE & KIRK JOINT TRUST: 2137 26TH ST, CODY, WY 82414
 28 YELLOWSTONE SPORTS MEDICINE & BONE & JOINT CLINIC, LLC: 720 LINDSAY LANE, CODY, WY 82414
 29 WARREN, RICHARD K. & SHARON K.: 2235 E. VAL DEL PALO, QUEEN CREEK, AZ 85142
 30 KRAFT INVESTMENTS, INC.: PO BOX 275, CODY, WY 82414
 31 RUTH FAMILY TRUST: 9 MARQUETTE DRIVE, CODY, WY 82414
 32 KRAFT INVESTMENTS, INC.: PO BOX 275, CODY, WY 82414
 33 HAWTHORNE, LLOYD: 220 INDUSTRIAL AVE, GRANBURY, TX 76049
 34 MOM AND POP COMMERCIAL LLC: 1807 14TH ST, CODY, WY 82414
 35 WEBSTER ENTERPRISES, INC.: 1226 11TH ST, CODY, WY 82414
 36 BENT, MAURICE H.: 2125 23RD STREET, CODY, WY 82414
 37 SWANSON, DARRELL & LAUREL: 2119 23RD ST, CODY, WY 82414

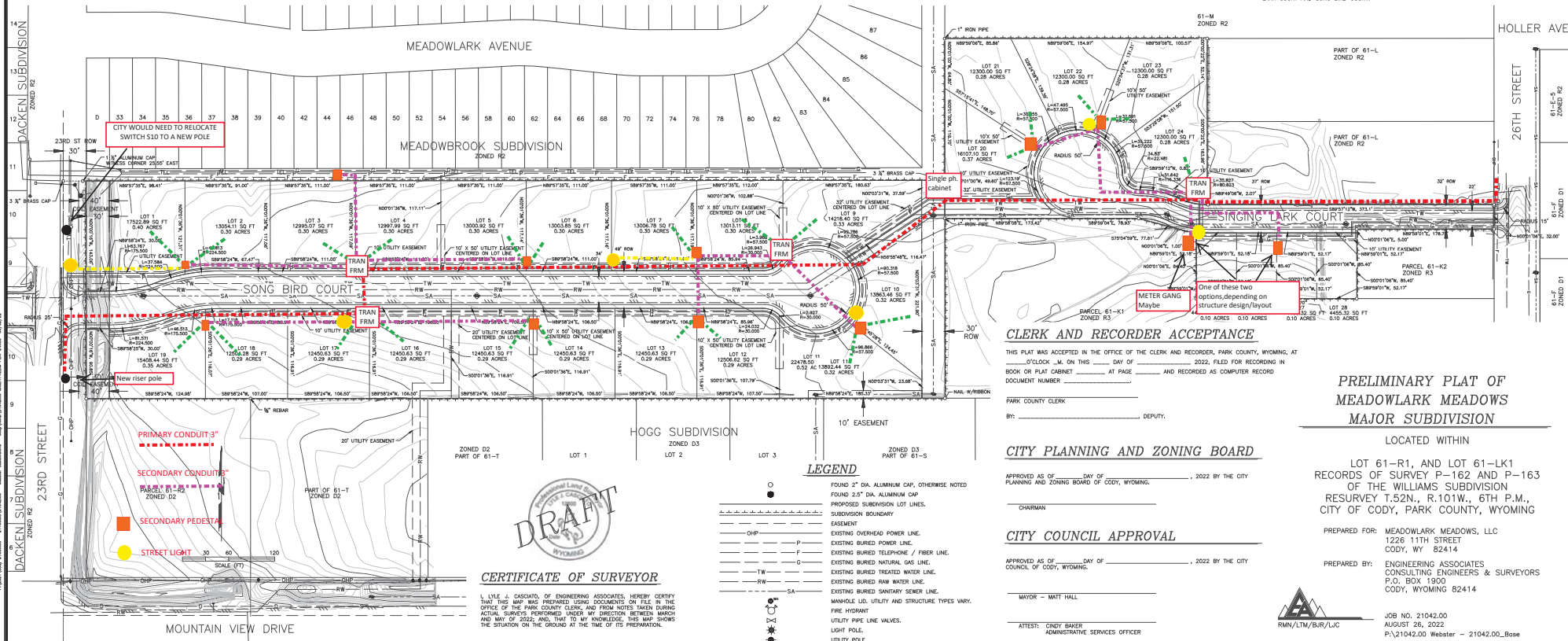
CERTIFICATE OF OWNER

STATE OF WYOMING }
 COUNTY OF PARK } SS.
 I, THE UNDERSIGNED, HEREBY CERTIFY THAT I AM THE OWNER AND PROPRIETOR OF THE LANDS SHOWN HEREON, AS RECORDED IN THE PARK COUNTY CLERK'S OFFICE IN DOCUMENTS _____
 THAT I HAVE CAUSED SAID PROPERTY TO BE SURVEYED AND PLATTED AS SHOWN HEREON AS THE MEADOWLARK MEADOWS MAJOR SUBDIVISION LOCATED WITHIN THE CITY OF CODY, THAT THE SUBDIVISION AS APPEARS ON THIS PLAT IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNER AND PROPRIETOR, THAT I HEREBY DEDICATE EASEMENTS LABELED HEREON TO THE USES SO NOTED; THAT SAID LANDS ARE SUBJECT TO ANY EASEMENTS, RIGHTS-OF-WAY AND MINERAL RIGHTS OR RESERVATIONS ON RECORD.
 G. EDWARD WEBSTER
 MEADOWLARK MEADOWS, LLC
 STATE OF WYOMING }
 COUNTY OF PARK } SS.
 THE FOREGOING CERTIFICATE OF OWNER WAS ACKNOWLEDGED BEFORE ME BY G. EDWARD WEBSTER
 THIS _____ DAY OF _____, 20____, WITNESS MY HAND AND OFFICIAL SEAL.
 MY COMMISSION EXPIRES: _____

NOTARY PUBLIC

NOTES

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2. TOTAL SUBDIVISION ACREAGE: 9.82 ACRES
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CLERK AND RECORDER ACCEPTANCE

THIS PLAT WAS ACCEPTED IN THE OFFICE OF THE CLERK AND RECORDER, PARK COUNTY, WYOMING, AT _____ O'CLOCK _____ A.M. ON THIS _____ DAY OF _____, 2022, FILED FOR RECORDING IN BOOK OR PLAT CABINET _____ AT PAGE _____ AND RECORDED AS COMPUTER RECORD DOCUMENT NUMBER _____
 PARK COUNTY CLERK _____, DEPUTY _____

CITY PLANNING AND ZONING BOARD

APPROVED AS OF _____ DAY OF _____, 2022 BY THE CITY
 PLANNING AND ZONING BOARD OF CODY, WYOMING.
 CHAIRMAN _____

CITY COUNCIL APPROVAL

APPROVED AS OF _____ DAY OF _____, 2022 BY THE CITY
 COUNCIL OF CODY, WYOMING.

MAYOR - MATT HALL
 ATTEST: CINDY BAKER
 ADMINISTRATIVE SERVICES OFFICER

PRELIMINARY PLAT OF MEADOWLARK MEADOWS MAJOR SUBDIVISION

LOCATED WITHIN

LOT 61-R1, AND LOT 61-LK1
 RECORDS OF SURVEY P-162 AND P-163
 OF THE WILLIAMS SUBDIVISION
 RESURVEY T.52N., R.101W., 6TH P.M.,
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 CODY, WYOMING 82414



JOB NO. 21042.00
 AUGUST 26, 2022
 P:\21042.00 Webster - 21042.00_Base

CERTIFICATE OF SURVEYOR

I, JULE A. CASADITO, OF ENGINEERING ASSOCIATES, HEREBY CERTIFY THAT THIS MAP WAS PREPARED USING DOCUMENTS ON FILE IN THE OFFICE OF THE PARK COUNTY CLERK, AND FROM NOTES TAKEN DURING ACTUAL SURVEYS PERFORMED UNDER MY DIRECTION BETWEEN MARCH AND MAY OF 2022. INFORMATION TO MY KNOWLEDGE THIS MAP SHOWS THE SITUATION ON THE GROUND AT THE TIME OF ITS PREPARATION.

ORDINANCE 2022-15

AN ORDINANCE RELATING TO THE ANNEXATION TO THE CITY OF CODY, WYOMING OF APPROXIMATELY 1.85 ACRES OWNED BY TIM AND GINA LEONHARDT WITHIN TRACT A OF THE PADDOCK ESTATES SUBDIVISION

WHEREAS, notice of a public hearing to consider the annexation of the subject property was published in the Cody Enterprise on August 23 and 30, 2022, and mailed to owners of properties within 140 feet of the subject property on August 17, 2022, as required;

WHEREAS, the Cody Planning and Zoning Board reviewed the annexation request at their September 13, 2022 regular meeting and recommended approval as requested;

WHEREAS, a public hearing was held on September 20, 2022 before the City Council at their regular meeting, as advertised, at which meeting the City Council heard comments from all persons wishing to speak for or against the proposed ordinance;

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

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

WHEREAS, the Cody City Council has thoroughly reviewed the matter and deems that it is in the best interest of the public and the City of Cody to approve the proposed annexation ordinance.

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

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

That property described in Exhibit A, as attached.

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

Section 3. The survey and plat map shall be provided pursuant to W.S. 15-1-413, and shall be filed pursuant to said statute. (Copy attached as Exhibit B)

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

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

Matt Hall, Mayor

Attest:

Cynthia Baker, Administrative Services Director

EXHIBIT A

LEGAL DESCRIPTION OF LOT 1
(PORTION BEING ANNEXED TO
THE CITY OF CODY)

A PORTION OF A TRACT "A", PADDOCK ESTATES, AS FILED IN BOOK "C" OF PLATS AT PAGE 51, ACCORDING TO THE RECORDS OF THE COUNTY CLERK AND RECORDER OF PARK COUNTY, STATE OF WYOMING, LOCATED IN THE SOUTHEAST QUARTER OF SECTION 4, TOWNSHIP 52 NORTH, RANGE 101 WEST, OF THE 6TH PRINCIPLE MERIDIAN, PARK COUNTY, WYOMING, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID TRACT "A" MARKED BY A ONE-HALF INCH DIAMETER IRON PIPE; THENCE, ALONG THE WEST BOUNDARY OF SAID TRACT "A",

N.00°09'44"E., 582.92 FEET (BASIS OF BEARINGS) TO THE POINT OF BEGINNING; THENCE, CONTINUING ALONG SAID WEST BOUNDARY,

N.00°09'44"E., 305.57 FEET TO THE BEGINNING OF A NON-TANGENT CURVE ON THE SOUTH RIGHT-OF-WAY OF U.S. HIGHWAY 14-16-20, BEING MARKED BY A BRASS CAP MONUMENT; THENCE, ALONG SAID SOUTH RIGHT-OF-WAY THE FOLLOWING FOUR COURSE:

SOUTHEASTERLY ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 11,394.16 FEET, AN ARC LENGTH OF 229.90 FEET, THROUGH A CENTRAL ANGLE OF 01°09'22", OF WHICH THE LONG CHORD BEARS S.89°21'17"E., 229.90 FEET TO A POINT OF TANGENCY; THENCE,

S.88°46'36"E., 69.12 FEET; THENCE,

N.01°13'24"E., 5.00 FEET; THENCE,

S.88°46'36"E., 230.93 FEET TO THE INTERSECTION WITH THE CENTERLINE OF A DRAINAGE DITCH; THENCE, ALONG THE CENTERLINE OF SAID DRAINAGE DITCH THE FOLLOWING FOURTEEN (14) COURSES:

S.44°20'41"W., 27.13 FEET; THENCE,
S.50°29'26"W., 31.82 FEET TO THE BEGINNING OF A TANGENT CURVE; THENCE,

SOUTHWESTERLY ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 40.00 FEET, AN ARC LENGTH OF 24.45 FEET, THROUGH A CENTRAL ANGLE OF 35°01'18", OF WHICH THE LONG CHORD BEARS S.68°00'05"W., 24.07 FEET TO A POINT OF TANGENCY; THENCE,

S.85°30'44"W., 19.03 FEET TO THE BEGINNING OF A TANGENT CURVE; THENCE,
SOUTHWESTERLY ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 70.00 FEET, AN ARC LENGTH OF 47.93 FEET, THROUGH A CENTRAL ANGLE OF 39°13'58", OF WHICH THE LONG CHORD BEARS S.65°53'45"W., 47.00 FEET TO A POINT OF TANGENCY; THENCE,

S.46°16'46"W., 30.26 FEET TO THE BEGINNING OF A TANGENT CURVE; THENCE,

SOUTHWESTERLY ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 115.00 FEET, AN ARC LENGTH OF 43.17 FEET, THROUGH A CENTRAL ANGLE OF 21°30'36", OF WHICH THE LONG CHORD BEARS S.57°02'04"W., 42.92 FEET TO A POINT OF TANGENCY; THENCE,

S.67°47'22"W., 41.40 FEET; THENCE,

S.76°37'08"W., 20.98 FEET; THENCE,

S.67°58'44"W., 27.73 FEET TO THE BEGINNING OF A TANGENT CURVE; THENCE,

SOUTHWESTERLY ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 590.00 FEET, AN ARC LENGTH OF 177.04 FEET, THROUGH A CENTRAL ANGLE OF 17°11'35", OF WHICH THE LONG CHORD BEARS S.59°22'57"W., 176.38 FEET TO A POINT OF TANGENCY; THENCE,

S.50°47'09"W., 24.81 FEET TO THE BEGINNING OF A TANGENT CURVE; THENCE,

SOUTHWESTERLY ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 301.50 FEET, AN ARC LENGTH OF 80.11 FEET, THROUGH A CENTRAL ANGLE OF 15°13'25", OF WHICH THE LONG CHORD BEARS S.58°23'52"W., 79.87 FEET TO A POINT OF TANGENCY; THENCE,

S.66°00'35"W., 23.82 FEET TO THE POINT OF BEGINNING.

THE ABOVE-DESCRIBED PARCEL CONTAINS 1.849 ACRES, MORE OR LESS.



LEGAL DESCRIPTION ENTIRE PROPERTY

A PORTION OF A TRACT "A", PADDOCK ESTATES, AS FILED IN BOOK "C" OF PLATS AT PAGE 51, ACCORDING TO THE RECORDS OF THE COUNTY CLERK AND RECORDER OF PARK COUNTY, STATE OF WYOMING, LOCATED IN THE SOUTHEAST QUARTER OF SECTION 4, TOWNSHIP 52 NORTH, RANGE 101 WEST, OF THE 6TH PRINCIPLE MERIDIAN, PARK COUNTY, WYOMING, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID TRACT "A" MARKED BY A ONE-HALF INCH DIAMETER IRON PIPE; THENCE, ALONG THE WEST BOUNDARY OF SAID TRACT "A";

N.00°09'44"E., 889.06 FEET (BASIS OF BEARINGS) TO THE BEGINNING OF A NON-TANGENT CURVE ON THE SOUTH RIGHT-OF-WAY OF U.S. HIGHWAY 14-16-20, BEING MARKED BY BRASS CAP MONUMENT; THENCE, ALONG SAID SOUTH RIGHT-OF-WAY THE FOLLOWING FOUR COURSES:

SOUTHEASTERLY ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 11,394.16 FEET, AN ARC LENGTH OF 229.90 FEET, THROUGH A CENTRAL ANGLE OF 0°09'22", OF WHICH THE LONG CHORD BEARS S.89°21'17"E., 229.90 FEET TO A POINT OF TANGENCY; THENCE,

S.88°46'36"E., 69.12 FEET; THENCE,

N.01°3'24"E., 5.00 FEET; THENCE,

N.88°46'36"E., 415.44 FEET TO THE EAST BOUNDARY OF SAID TRACT "A"; THENCE, ALONG SAID EAST BOUNDARY,

S.02°46'21"W., 902.36 FEET TO THE SOUTHEAST CORNER OF SAID TRACT "A"; THENCE, ALONG THE SOUTH BOUNDARY OF SAID TRACT "A";

N.88°17'01"W., 673.61 FEET TO THE POINT OF BEGINNING (POB).

THE ABOVE-DESCRIBED PARCEL CONTAINS 14.289 ACRES, MORE OR LESS.

LEGAL DESCRIPTION OF LOT 1 (PORTION BEING ANNEXED TO THE CITY OF CODY)

A PORTION OF A TRACT "A", PADDOCK ESTATES, AS FILED IN BOOK "C" OF PLATS AT PAGE 51, ACCORDING TO THE RECORDS OF THE COUNTY CLERK AND RECORDER OF PARK COUNTY, STATE OF WYOMING, LOCATED IN THE SOUTHEAST QUARTER OF SECTION 4, TOWNSHIP 52 NORTH, RANGE 101 WEST, OF THE 6TH PRINCIPLE MERIDIAN, PARK COUNTY, WYOMING, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID TRACT "A" MARKED BY A ONE-HALF INCH DIAMETER IRON PIPE; THENCE, ALONG THE WEST BOUNDARY OF SAID TRACT "A";

CONTINUING ALONG SAID WEST BOUNDARY,

N.00°09'44"E., 305.57 FEET TO THE BEGINNING OF A NON-TANGENT CURVE ON THE SOUTH RIGHT-OF-WAY OF U.S. HIGHWAY 14-16-20, BEING MARKED BY A BRASS CAP MONUMENT; THENCE, ALONG SAID SOUTH RIGHT-OF-WAY THE FOLLOWING FOUR COURSE:

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S.88°46'36"E., 69.12 FEET; THENCE,

N.01°3'24"E., 5.00 FEET; THENCE,

S.88°46'36"E., 230.93 FEET TO THE INTERSECTION WITH THE CENTERLINE OF A DRAINAGE DITCH; THENCE, ALONG THE CENTERLINE OF SAID DRAINAGE DITCH THE FOLLOWING FOURTEEN (14) COURSES:

S.44°20'41"W., 27.13 FEET; THENCE,

S.50°29'26"W., 31.82 FEET TO THE BEGINNING OF A TANGENT CURVE; THENCE,

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S.85°30'44"W., 19.03 FEET TO THE BEGINNING OF A TANGENT CURVE; THENCE,

SOUTHWESTERLY ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 70.00 FEET, AN ARC LENGTH OF 47.93 FEET, THROUGH A CENTRAL ANGLE OF 39°13'58", OF WHICH THE LONG CHORD BEARS S.65°53'45"W., 47.00 FEET TO A POINT OF TANGENCY; THENCE,

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S.66°00'35"W., 23.82 FEET TO THE POINT OF BEGINNING.

THE ABOVE-DESCRIBED PARCEL CONTAINS 1.849 ACRES, MORE OR LESS.

REFERENCES

- PLAT OF PADDOCK ESTATES, BLOCK C OF PLATS, PAGE 51, RECORDS OF PARK COUNTY, WYOMING.
- WARRANTY DEED INST. NO. 2003-7623 (TRANSPORTATION COMMISSION OF WYOMING).
- WARRANTY DEED INST. NO. 2014-5887.
- WARRANTY DEED INST. NO. 2015-5887.

BEARING NOTE

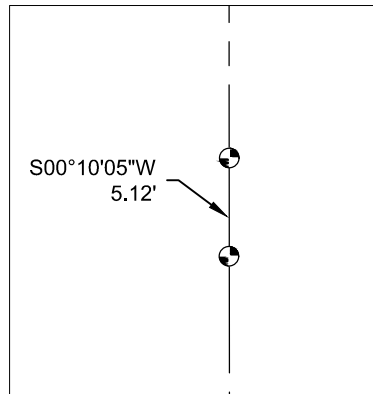
THE BEARINGS SHOWN ON THIS SURVEY ARE DERIVED FROM GPS OBSERVATIONS, PROJECTED TO THE WYOMING WEST-CENTRAL ZONE. ALL BEARINGS SHOWN ARE STATE PLANE GRID BEARINGS. ALL DISTANCES ARE GROUND DISTANCES.

LEGEND

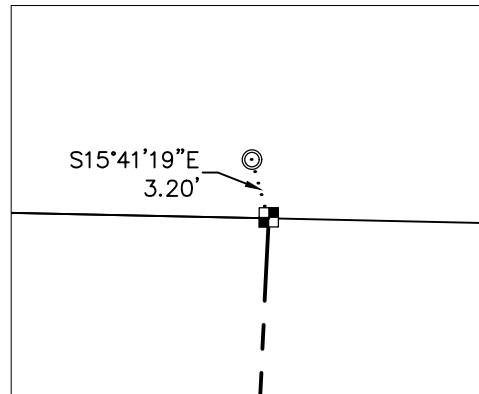
| | |
|-----------|--|
| --- | PROPERTY BOUNDARY |
| --- | SECTION LINE |
| --- | RIGHT-OF-WAY LINE |
| --- | ROAD CENTERLINE |
| --- | EXISTING LOT LINE |
| ⊙ | FOUND BRASS CAP MONUMENT |
| ⊙ | FOUND ALUMINUM CAP MONUMENT |
| ⊙ | FOUND 5/8" IRON ROD |
| ⊙ | FOUND 1/2" IRON ROD |
| ⊙ | FOUND 1/2" IRON PIPE |
| ⊙ | SET 5/8" REBAR AND ALUMINUM CAP PLS 18009 |
| ⊙ | SET 1/2" REBAR |
| ⊙ | CALCULATED POINT--NOTHING SET OR FOUND |
| (100.00') | RECORD DATA PER PADDOCK ESTATES FINAL PLAT |

| LINE | BEARING | DISTANCE |
|------|-------------|----------|
| L1 | N66°00'35"E | 23.82' |
| L2 | S50°47'09"W | 24.81' |
| L3 | S67°58'44"W | 27.73' |
| L4 | N76°37'08"E | 20.98' |
| L5 | N67°47'22"E | 41.40' |
| L6 | S46°16'46"W | 30.26' |
| L7 | S85°30'44"W | 19.03' |
| L8 | S50°29'26"W | 31.82' |
| L9 | N44°20'41"E | 27.13' |
| L10 | S88°46'36"E | 69.12' |
| L11 | N01°13'24"E | 5.00' |
| L12 | S01°53'35"W | 40.90' |
| L13 | S00°05'13"W | 24.10' |

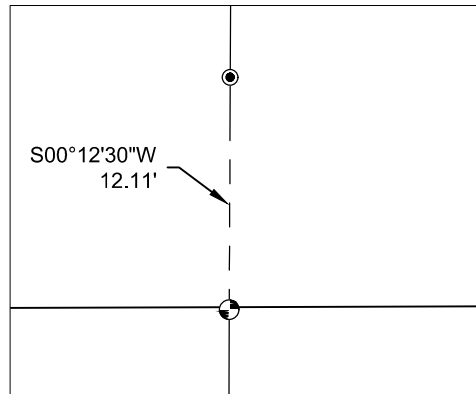
| LINE | BEARING | DISTANCE |
|------|-----------------|----------|
| E1 | S01°26'37"W | 18.84' |
| E2 | S30°16'07"E | 13.58' |
| E3 | S06°01'37"E | 20.17' |
| E4 | S85°30'44"W | 15.26' |
| E5 | SEE CURVE TABLE | |
| E6 | N06°01'37"W | 14.81' |
| E7 | N30°16'07"W | 15.33' |
| E8 | N01°27'21"E | 25.84' |
| E9 | S88°46'36"E | 25.00' |



DETAIL "A"
SCALE 1" = 10'

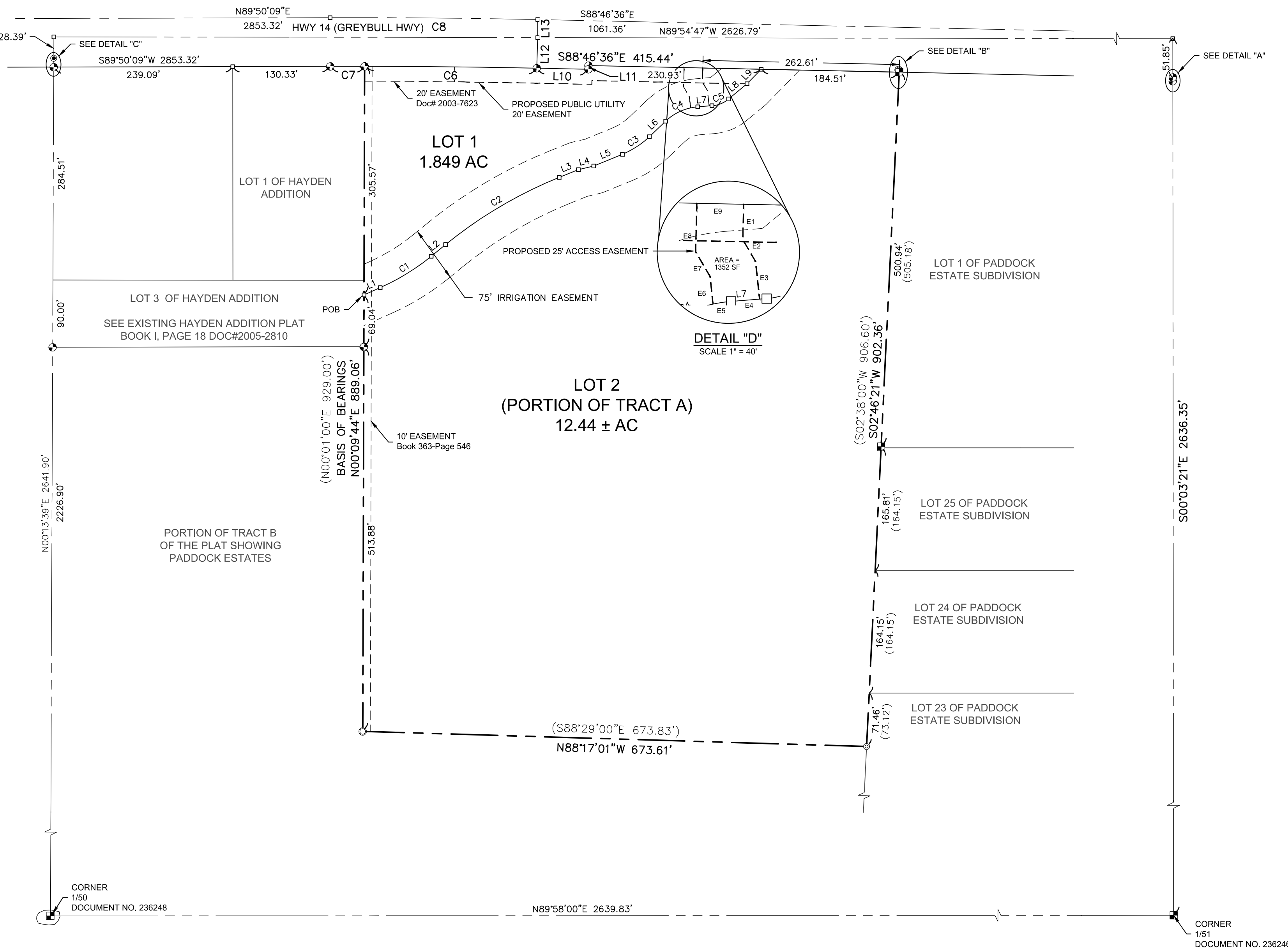


DETAIL "B"
SCALE 1" = 10'



DETAIL "C"
SCALE 1" = 10'

| CURVE | RADIUS | LENGTH | DELTA | BEARING | CHORD |
|-------|-----------|---------|-----------|-------------|---------|
| C1 | 301.50' | 80.11' | 15°13'25" | N58°23'52"E | 79.87' |
| C2 | 590.00' | 177.04' | 17°11'35" | S59°22'57"W | 176.38' |
| C3 | 115.00' | 43.17' | 21°30'36" | N57°02'04"E | 42.92' |
| C4 | 70.00' | 47.93' | 39°13'58" | S65°53'45"W | 47.00' |
| C5 | 40.00' | 24.45' | 35°01'18" | N68°00'05"E | 24.07' |
| C6 | 11394.16' | 229.90' | 1°09'22" | N89°21'17"W | 229.90' |
| C7 | 11394.16' | 46.02' | 0°13'53" | S89°57'06"W | 46.02' |
| C8 | 11459.16' | 277.50' | 1°23'15" | N89°28'13"W | 277.49' |
| E5 | 70.00' | 9.76' | 13°56'10" | S81°31'02"W | 9.75' |



SURVEYORS NARRATIVE

THE PURPOSE OF THIS PLAT SURVEY IS TO SUBDIVIDE THE PROPERTY INTO THE TWO LOTS SHOWN HEREON AS LOT 1 AND LOT 2, FROM THE BOUNDARY OF A PORTION OF TRACT "A" - AS SHOWN ON THE PLAT OF PADDOCK ESTATES. LOT 1 IS TO BE 1 ANNEXED TO THE CITY OF CODY, LOCATED NORTH OF THE CENTERLINE OF THE IRRIGATION EASEMENT, SHOWN HEREON.

OUTSTANDING SUBDIVISION REQUIREMENTS MUST BE COMPLETED PRIOR TO ISSUANCE OF ANY BUILDING PERMITS ON LOT 1. CONTACT THE COMMUNITY DEVELOPMENT OFFICE FOR INFORMATION.

CERTIFICATE AND OATH OF SURVEYOR

I, JON N. MASTER, OF T-O ENGINEERING, HEREBY CERTIFY THAT THIS MAP WAS PREPARED USING DOCUMENTS ON FILE IN THE OFFICE OF THE PARK COUNTY CLERK, AND FROM NOTES TAKEN DURING ACTUAL SURVEYS PERFORMED BETWEEN JUNE 2021 AND JULY 2021 BY T-O ENGINEERS, ACCEPTED UNDER MY DIRECTION AND SEAL AND THAT TO MY KNOWLEDGE, THIS MAP SHOWS AN OATH THAT I HAVE FAITHFULLY, DILIGENTLY AND TO THE BEST OF MY ABILITY MADE THIS SURVEY TO ACCURATELY REPORT THE DESCRIPTION OF THE BOUNDARIES OF THIS ANNEXATION.



CERTIFICATE OF OWNER

KNOW ALL PERSONS BY THESE PRESENTS THAT TIMOTHY F. & GINA L. LEONHARDT BEING THE OWNERS OF THE LAND HEREON DESCRIBED, HAS CAUSED SAID LANDS TO BE SURVEYED, THAT THE SUBDIVISION THEREOF AND THE ADDITION OF LOT 1 TO THE CITY OF CODY IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNER, DOES HEREBY DEDICATE THE EASEMENTS AND RIGHTS-OF-WAY LABELED HEREON TO THE USES SO NOTED, THAT SAID LANDS ARE SUBJECT TO ANY EASEMENTS, SAID RIGHT-OF-WAY AND MINERAL RIGHTS OR RESERVATIONS OF RECORD, THAT ANY RIGHTS BY VIRTUE OF THE HOMESTEAD EXEMPTION LAWS OF THE STATE OF WYOMING ARE HEREBY RELEASED AND WAIVED.

IN WITNESS WHEREOF, THE SAID OWNERS, TIMOTHY F. & GINA L. LEONHARDT, WITH FREE CONSENT AND IN ACCORDANCE WITH THEIR DESIRES, HAVE CAUSED THEIR NAMES HERETO BE SUBSCRIBED THIS ____ DAY OF ____ 2022.

TIMOTHY F. LEONHARDT GINA L. LEONHARDT

ACKNOWLEDGMENT: STATE OF WYOMING)
COUNTY OF PARK)

THE FOREGOING OWNER(S) CERTIFICATE WAS ACKNOWLEDGED BEFORE ME THIS ____ DAY OF ____ 2022 BY TIMOTHY F. & GINA L.

LEONHARDT, WITNESS MY HAND AND OFFICIAL SEAL: (WYOMING STATE LAW REQUIRES A NOTARY SEAL TO BE AFFIXED HEREON)

NOTARY PUBLIC

MY COMMISSION EXPIRES: ____

CITY PLANNING AND ZONING BOARD

RECOMMENDED FOR APPROVAL THIS ____ DAY OF ____ 2022 BY THE CITY OF CODY PLANNING AND ZONING BOARD.

CHAIRMAN

CITY COUNCIL

APPROVED THIS ____ DAY OF ____ 2022 BY THE CITY COUNCIL OF CODY, WYOMING.

ATTEST: CITY CLERK MAYOR

BOARD OF COUNTY COMMISSIONERS

THIS PLAT IS HEREBY APPROVED AND THE SUBDIVISION PERMIT GRANTED BY THE BOARD OF COUNTY COMMISSIONERS OF PARK COUNTY, WYOMING ON THIS ____ DAY OF ____ 2022.

CHAIRMAN

ATTEST: PARK COUNTY CLERK

CLERK AND RECORDER ACCEPTANCE

THIS PLAT WAS ACCEPTED FOR FILING IN THE OFFICE OF THE PARK COUNTY CLERK AND RECORDER ON THIS ____ DAY OF ____ 2022, AND FILED FOR RECORD AT ____ M. UNDER DOCUMENT NUMBER ____ IN PLAT CABINET ____ AT PAGE ____

PARK COUNTY CLERK AND RECORDER

BY: DEPUTY



502 33RD STREET
CODY, WYOMING 82414
PHONE: (307) 587-3411 WWW.TO-ENGINEERS.COM

SHEET NO. 1 OF 1

K:\220549\3_ACA00W\0\SURVEY\2_BOUNDARY\220549-ADDITION.DWG

ORDINANCE 2022-16

**AN ORDINANCE REZONING APPROXIMATELY 1.85 ACRES OWNED BY
TIM AND GINA LEONHARDT WITHIN TRACT A OF THE PADDOCK
ESTATES SUBDIVISION TO MEDIUM-HIGH DENSITY RESIDENTIAL (R-3)**

WHEREAS, notice of a public hearing to consider the zoning of the subject property was published in the Cody Enterprise on August 23 and 30, 2022, and mailed to owners of properties within 140 feet of the subject property on August 17, 2022, as required;

WHEREAS, the Cody Planning and Zoning Board reviewed the zoning request at their September 13, 2022 regular meeting and recommended approval as requested;

WHEREAS, a public hearing was held on September 20, 2022 before the City Council at their regular meeting, as advertised, at which meeting the City Council heard comments from all persons wishing to speak for or against the proposed ordinance;

WHEREAS, the governing body of the City of Cody has reviewed the recommendation and public comments and finds that it is in the best interest of the public to rezone the area requested to Medium-High Density Residential (R-3).

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

- Section 1: That property the described in Exhibit A, as attached, shall be and the same is hereby rezoned to Medium-High Density Residential (R-3).
- Section 2: The development agreement regarding the density of the subject property (Exhibit B) shall be recorded with the County Clerk's office.
- Section 2: That the official zoning map of the City of Cody is amended to show the foregoing zone change.

Effective Date. This Ordinance shall become effective after final passage and publication in the Cody Enterprise.

PASSED ON FIRST READING:

PASSED ON SECOND READING:

PASSED, ADOPTED AND APPROVED
ON THIRD AND FINAL READING:

ATTEST:

Matt Hall, Mayor

Cynthia Baker, Administrative Services Officer

EXHIBIT A:

LEGAL DESCRIPTION OF LOT 1
(PORTION BEING ANNEXED TO
THE CITY OF CODY)

A PORTION OF A TRACT "A", PADDOCK ESTATES, AS FILED IN BOOK "C" OF PLATS AT PAGE 51, ACCORDING TO THE RECORDS OF THE COUNTY CLERK AND RECORDER OF PARK COUNTY, STATE OF WYOMING, LOCATED IN THE SOUTHEAST QUARTER OF SECTION 4, TOWNSHIP 52 NORTH, RANGE 101 WEST, OF THE 6TH PRINCIPLE MERIDIAN, PARK COUNTY, WYOMING, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID TRACT "A" MARKED BY A ONE-HALF INCH DIAMETER IRON PIPE; THENCE, ALONG THE WEST BOUNDARY OF SAID TRACT "A",

N.00°09'44"E., 582.92 FEET (BASIS OF BEARINGS) TO THE POINT OF BEGINNING; THENCE, CONTINUING ALONG SAID WEST BOUNDARY,

N.00°09'44"E., 305.57 FEET TO THE BEGINNING OF A NON-TANGENT CURVE ON THE SOUTH RIGHT-OF-WAY OF U.S. HIGHWAY 14-16-20, BEING MARKED BY A BRASS CAP MONUMENT; THENCE, ALONG SAID SOUTH RIGHT-OF-WAY THE FOLLOWING FOUR COURSE:

SOUTHEASTERLY ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 11,394.16 FEET, AN ARC LENGTH OF 229.90 FEET, THROUGH A CENTRAL ANGLE OF 01°09'22", OF WHICH THE LONG CHORD BEARS S.89°21'17"E., 229.90 FEET TO A POINT OF TANGENCY; THENCE,

S.88°46'36"E., 69.12 FEET; THENCE,

N.01°13'24"E., 5.00 FEET; THENCE,

S.88°46'36"E., 230.93 FEET TO THE INTERSECTION WITH THE CENTERLINE OF A DRAINAGE DITCH; THENCE, ALONG THE CENTERLINE OF SAID DRAINAGE DITCH THE FOLLOWING FOURTEEN (14) COURSES:

S.44°20'41"W., 27.13 FEET; THENCE,
S.50°29'26"W., 31.82 FEET TO THE BEGINNING OF A TANGENT CURVE; THENCE,

SOUTHWESTERLY ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 40.00 FEET, AN ARC LENGTH OF 24.45 FEET, THROUGH A CENTRAL ANGLE OF 35°01'18", OF WHICH THE LONG CHORD BEARS S.68°00'05"W., 24.07 FEET TO A POINT OF TANGENCY; THENCE,

S.85°30'44"W., 19.03 FEET TO THE BEGINNING OF A TANGENT CURVE; THENCE,
SOUTHWESTERLY ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 70.00 FEET, AN ARC LENGTH OF 47.93 FEET, THROUGH A CENTRAL ANGLE OF 39°13'58", OF WHICH THE LONG CHORD BEARS S.65°53'45"W., 47.00 FEET TO A POINT OF TANGENCY; THENCE,

S.46°16'46"W., 30.26 FEET TO THE BEGINNING OF A TANGENT CURVE; THENCE,

SOUTHWESTERLY ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 115.00 FEET, AN ARC LENGTH OF 43.17 FEET, THROUGH A CENTRAL ANGLE OF 21°30'36", OF WHICH THE LONG CHORD BEARS S.57°02'04"W., 42.92 FEET TO A POINT OF TANGENCY; THENCE,

S.67°47'22"W., 41.40 FEET; THENCE,

S.76°37'08"W., 20.98 FEET; THENCE,

S.67°58'44"W., 27.73 FEET TO THE BEGINNING OF A TANGENT CURVE; THENCE,

SOUTHWESTERLY ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 590.00 FEET, AN ARC LENGTH OF 177.04 FEET, THROUGH A CENTRAL ANGLE OF 17°11'35", OF WHICH THE LONG CHORD BEARS S.59°22'57"W., 176.38 FEET TO A POINT OF TANGENCY; THENCE,

S.50°47'09"W., 24.81 FEET TO THE BEGINNING OF A TANGENT CURVE; THENCE,

SOUTHWESTERLY ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 301.50 FEET, AN ARC LENGTH OF 80.11 FEET, THROUGH A CENTRAL ANGLE OF 15°13'25", OF WHICH THE LONG CHORD BEARS S.58°23'52"W., 79.87 FEET TO A POINT OF TANGENCY; THENCE,

S.66°00'35"W., 23.82 FEET TO THE POINT OF BEGINNING.

THE ABOVE-DESCRIBED PARCEL CONTAINS 1.849 ACRES, MORE OR LESS.

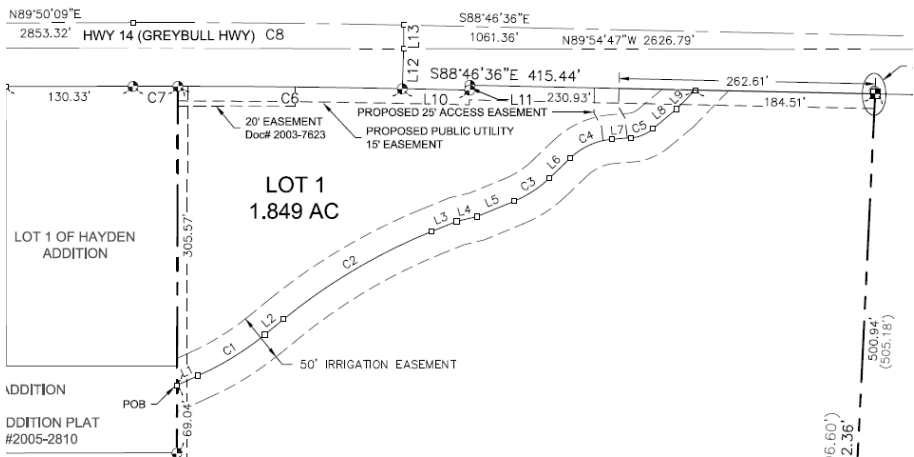


EXHIBIT B

DEVELOPMENT AGREEMENT WITH THE CITY OF CODY

The City of Cody, acting through its duly elected governing body, the City of Cody City Council, DOES HEREBY AGREE AND COVENANT that the property described below, by City of Cody legislative action, shall be designated Medium-High Density Residential (R-3) Zoning.

Timothy F Leonhardt and Gina L. Leonhart, as owners of the following described property:

A PORTION OF A TRACT 'A', PADDOCK ESTATES, AS FILED IN BOOK 'C' OF PLATS AT PAGE 51, ACCORDING TO THE RECORDS OF THE COUNTY CLERK AND RECORDER OF PARK COUNTY, STATE OF WYOMING, LOCATED IN THE SOUTHEAST QUARTER OF SECTION 4, TOWNSHIP 52 NORTH, RANGE 101 WEST, OF THE 6TH PRINCIPLE MERIDIAN, PARK COUNTY, WYOMING, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID TRACT 'A' MARKED BY A ONE-HALF INCH DIAMETER IRON PIPE; THENCE, ALONG THE WEST BOUNDARY OF SAID TRACT 'A',

N.00°09'44"E., 582.92 FEET (BASIS OF BEARINGS) TO THE POINT OF BEGINNING; THENCE, CONTINUING ALONG SAID WEST BOUNDARY,

N.00°09'44"E., 305.57 FEET TO THE BEGINNING OF A NON-TANGENT CURVE ON THE SOUTH RIGHT-OF-WAY OF U.S. HIGHWAY 14-16-20, BEING MARKED BY A BRASS CAP MONUMENT; THENCE, ALONG SAID SOUTH RIGHT-OF-WAY THE FOLLOWING FOUR COURSE:

SOUTHEASTERLY ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 11,394.16 FEET, AN ARC LENGTH OF 229.90 FEET, THROUGH A CENTRAL ANGLE OF 01°09'22", OF WHICH THE LONG CHORD BEARS S.89°21'17"E., 229.90 FEET TO A POINT OF TANGENCY; THENCE,

S.88°46'36"E., 69.12 FEET; THENCE,

N.01°13'24"E., 5.00 FEET; THENCE,

S.88°46'36"E., 230.93 FEET TO THE INTERSECTION WITH THE CENTERLINE OF A DRAINAGE DITCH; THENCE, ALONG THE CENTERLINE OF SAID DRAINAGE DITCH THE FOLLOWING FOURTEEN (14) COURSES:

S.44°20'41"W., 27.13 FEET; THENCE,

S.50°29'26"W., 31.82 FEET TO THE BEGINNING OF A TANGENT CURVE; THENCE,

SOUTHWESTERLY ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 40.00 FEET, AN ARC LENGTH OF 24.45 FEET, THROUGH A CENTRAL ANGLE OF 35°01'18", OF WHICH THE LONG CHORD BEARS S.68°00'05"W., 24.07 FEET TO A POINT OF TANGENCY; THENCE,

S.85°30'44"W., 19.03 FEET TO THE BEGINNING OF A TANGENT CURVE; THENCE, SOUTHWESTERLY ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 70.00 FEET, AN ARC LENGTH OF 47.93 FEET, THROUGH A CENTRAL ANGLE OF 39°13'58", OF WHICH THE LONG CHORD BEARS S.65°53'45"W., 47.00 FEET TO A POINT OF TANGENCY; THENCE,

S.46°16'46"W., 30.26 FEET TO THE BEGINNING OF A TANGENT CURVE; THENCE,

SOUTHWESTERLY ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 115.00 FEET, AN ARC LENGTH OF 43.17 FEET, THROUGH A CENTRAL ANGLE OF 21°30'36", OF WHICH THE LONG CHORD BEARS S.57°02'04"W., 42.92 FEET TO A POINT OF TANGENCY; THENCE,

S.67°47'22"W., 41.40 FEET; THENCE,

S.76°37'08"W., 20.98 FEET; THENCE,

S.67°58'44"W., 27.73 FEET TO THE BEGINNING OF A TANGENT CURVE; THENCE,

SOUTHWESTERLY ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 590.00 FEET, AN ARC LENGTH OF 177.04 FEET, THROUGH A CENTRAL ANGLE OF 17°11'35", OF WHICH THE LONG CHORD BEARS S.59°22'57"W., 176.38 FEET TO A POINT OF TANGENCY; THENCE,

S.50°47'09"W., 24.81 FEET TO THE BEGINNING OF A TANGENT CURVE; THENCE,

SOUTHWESTERLY ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 301.50 FEET, AN ARC LENGTH OF 80.11 FEET, THROUGH A CENTRAL ANGLE OF 15°13'25", OF WHICH THE LONG CHORD BEARS S.58°23'52"W., 79.87 FEET TO A POINT OF TANGENCY; THENCE,

S.66°00'35"W., 23.82 FEET TO THE POINT OF BEGINNING.

THE ABOVE-DESCRIBED PARCEL CONTAINS 1.849 ACRES, MORE OR LESS.

(Known as a portion of 14 Jamieson Circle, Cody, Wyoming 82414 or "the property");

DOES HEREBY AGREE AND COVENANT that as a condition of the rezoning of the above-described property to Medium-High Density Residential (R-3), they set forth the following land use restriction to run with the land:

"The maximum density of development within the property shall be limited to a total of six dwelling units, which may be comprised of six single-family dwelling units, or three two-family dwelling units, or two multi-family dwelling units, or a combination of single, two-

family, townhouse, or multi-family dwelling units as authorized by the City of Cody Code Title 10, Chapter 7, Residential Zoning District Land Uses. For purposes of this agreement, both principal and accessory dwelling units count towards the six dwelling units."

This agreement shall remain in effect and be binding on all heirs and assignees in interest until such time in the future that the City of Cody rezones the property to a zoning district other than Medium-Density Residential (R-3), or otherwise takes lawful action to remove this agreement. This development agreement does not preclude rezoning the property to a different zoning district in the future.

Timothy F. Leonhardt and Gina L. Leonhardt, and the City of Cody are the parties to this agreement, and are responsible to ensure compliance with the provisions herein.

This agreement voluntarily offered and entered into this _____ day of October, 2022 by Timothy F. Leonhardt and Gina L. Leonhardt.

Timothy F. Leonhardt

Gina L. Leonhardt

STATE OF WYOMING)
) ss.
COUNTY OF PARK)

On this day personally appeared before me Timothy F. Leonhardt and Gina L. Leonhardt, to me known as the individual(s) described herein and who executed the within and foregoing instrument and acknowledged that they signed the same as their free and voluntary act and deed, for the uses and purposes therein stated.
Given under my hand and official seal this _____ day of October, 2022.

Notary Public and for the State of Wyoming.

My Commission Expires_____

Accepted by the City of Cody, this _____ day of October, 2022.

Matt Hall, Mayor

STATE OF WYOMING)
) ss.
COUNTY OF PARK)

On this day personally appeared before me Matt Hall, to me known as the individual(s) described herein and who executed the within and foregoing instrument for the uses and purposes therein stated.
Given under my hand and official seal this _____ day of October, 2022.

City Clerk and Notary Public and for the State of Wyoming.

My Commission Expires_____

AGENDA ITEM SUMMARY REPORT

Consider an Ordinance to Amend Title 9, Chapter 1, Section 2

“Contractor Licensing Board Established”

ACTION

Approve Ordinance 2022-17 to amend Title 9, Chapter 1, Section 2 of the Cody City Code, to reduce the number of Contractor Licensing Board Members from ten to seven and add more flexibility in the composition of those qualified to serve on the Board.

SUMMARY (Updated for 2nd Reading, with new language in Green)

The City code currently requires ten people to serve on the Contractor Licensing Board. The Board has the responsibility to develop and implement the contractor licensing requirement, licensing application and licensing review procedures, and to serve as the Board of Appeals for any building code appeals. We are experiencing difficulties in finding that many contractors that are willing to serve on the Board, and regularly attend the meetings. The model presented by the Building Code only requires five people to serve on the building code Board of Appeals. Staff is proposing that the Contractor Licensing Board/Board of Appeals consist of seven members.

The Board would consist of two general contractors, one electrician, one mechanical/HVAC contractor, one plumbing contractor, and two at-large positions that are either architects, engineers, or otherwise qualified by experience and training to pass on matters pertaining to building construction and are not employees of the City. The number of plumbers would be reduced from two to one, and electricians from two to one. A City Council member would no longer be a voting member, but it is expected they would serve in a liaison role, much like occurs with the Planning and Zoning Board.

Flexibility is added by not requiring an architect or engineer, but allowing them or others qualified by experience and training (e.g. other contractors) to serve on the Board.

The members of the contractor board were asked for input on this proposal through email. Only one board member responded, with “My opinion is to leave it as is. The more input from the contractor group the better. Why go backwards when Cody is growing.” There is a contractor board meeting scheduled between 2nd and 3rd reading to get additional input. The one planned for earlier in this process did not occur.

If attendance of the Board members at their meeting was not an issue, and if there were contractors wanting and able to fill all of the vacant positions on the Board, we may not be having this discussion, but that is not the case. We have been unable to fill one of the board positions (electrical contractor) since 2021 because of lack of candidates; attendance at Board meetings rarely has more than the minimum six members necessary to form a quorum; and, we regularly have to make special accommodations just to form a quorum (delay start time, accept a call in). Another member (general contractor) had to recently resign as their job took them to another city.

AGENDA ITEM NO. _____

Because we are not starting from scratch in filling the Board positions, we know that there is a core group of five or six contractors that typically attend a meeting. By keeping those contractors on the Board, or qualified replacements, we are fairly confident that having enough board members in attendance to form a quorum will rarely be an issue. In addition, we would be able to shuffle the contractors around in the Board positions so that none would have to leave the Board. That may not be the case if the proposed change is delayed beyond the current year.

The City Council, Airport Board, and Planning and Zoning Board are the most active Boards that deal with City business, and they each have seven members. When the contractor's board was first formed, the ten members were likely justified as they were developing the processes and qualifications for contractor licensing. However, those functions are completed. Presently, over 95% (tempted to say 99%) of the Board's business is verifying the qualifications of a person wanting a contractor license, which is relatively straightforward and does not necessitate widespread input or discussion. On the few occasions where their business warrants additional discussion and input, the board member could and should make contact with other contractors and bring that information back to the board meetings. All major construction trades would continue to be represented on the Board.

In addition to the above, it is very rare to have an odd number of members on a board. While seven members is the proposal, even dropping the number to nine would mean that only five members, rather than six, would be enough to form a quorum.

The specific changes to the City code are identified below, using "track changes". The proposed ordinance is attached.

9-1-2: CONTRACTOR LICENSING BOARD ESTABLISHED:

A. There is hereby established a Contractor Licensing Board, also to act as the Board of Appeals as referenced in the adopted Building Codes, and referred to herein as "the Board".

B. The Board shall consist of seven (7)~~ten (10)~~ members. One~~Two~~ members shall be ~~an~~-at-large members who ~~is~~are an architect, engineer, or otherwise qualified by experience and training to pass on matters pertaining to building construction and are not employees of the City; either a resident of the City or who owns a contracting business physically located within the City; one member shall be an architect, structural engineer or civil engineer; one member shall be a licensed mechanical/HVAC contractor; one member shall be a City Council member; two (2) members shall be ~~licensed~~-general contractors; one (1) member shall be a mechanical/HVAC contractor; one (1)~~two (2)~~ members shall be a licensed-plumbing contractors; and, one (1)~~two (2)~~ members shall be an licensed-electrical contractors.

C. With the exception of an architect or engineer serving as an at-large member~~the City Council member~~, each member of the Board must be:

1. An individual who is a City of Cody licensed contractor within the specialty he or she is designated to represent on the Board; or

2. A certified journeyman electrician, certified journeyman plumber or certified journeyman HVAC installer who is not individually licensed, but is employed by a licensed contractor that is licensed within the specialty the employee is designated to represent on the Board. If a member of the Board who is not individually licensed, and is serving as an employee of a licensed contractor, resigns, terminates, severs or otherwise loses his or her employment with such licensed contractor, then he or she may continue to serve as a member of the Board until the end of his or her term. If the Board member, at the end of his or her term, is not individually licensed in the specialty he or she is designated to represent, or is not employed by a licensed contractor, then he or she cannot serve as a member of the Board, and the Mayor and Governing Body shall appoint a new member who is licensed to fill the vacancy as described below.

AGENDA ITEM NO. _____

D. The members of the Board shall each be appointed by the Mayor with the approval of the Governing Body, for a three (3) year term. Terms of members shall begin on January 1 and shall be staggered, with no more than four (4) members reaching the end of their term at the end of each calendar year. Subsequent appointments shall be for three (3) years each unless to fill an unexpired term. Members appointed to fill vacancies shall serve until the end of the term which they were appointed to fulfill, and may be reappointed for successive three (3) year terms. At the discretion of the Governing Body, members may be appointed for more than one term.

E. The Board shall meet at such intervals as necessary for the proper performance of its duties, but in any case, shall meet not less than twice each year.

ALTERNATIVES

1. Approve the ordinance as drafted.
2. Approve the ordinance with any further changes and amendments (e.g. go to nine positions).
3. Table the ordinance until December to see what response we have for filling the board positions (3 positions up for renewal, and 2 vacant).
4. Deny the ordinance (Remain with 10 positions.)

RECOMMENDATION:

Approve Ordinance 2022-17 as drafted. It would become effective December 17, 2022 (after their December meeting, but before appointments are made for 2023).

ATTACHMENTS:

Ordinance 2022-17

FISCAL IMPACT

No direct financial impacts.

AGENDA ITEM NO. _____

ORDINANCE 2022-17

ORDINANCE TO AMEND TITLE 9, CHAPTER 1, SECTION 2 “CONTRACTOR LICENSING BOARD ESTABLISHED”

WHEREAS, the governing body of the City of Cody has considered a request to reduce the number of persons on the Contractor Licensing Board from ten to seven and to allow more flexibility in the composition of those qualified to serve on the Board; and,

WHEREAS, the governing body of the City of Cody finds the proposal necessary and reasonable.

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

Title 9, Chapter 1, Section 2 of the City of Cody Code is hereby amended to read as follows:

9-1-2: CONTRACTOR LICENSING BOARD ESTABLISHED:

A. There is hereby established a Contractor Licensing Board, also to act as the Board of Appeals as referenced in the adopted Building Codes, and referred to herein as "the Board".

B. The Board shall consist of seven (7) members. Two members shall be at-large members who are an architect, engineer, or otherwise qualified by experience and training to pass on matters pertaining to building construction and are not employees of the City; two (2) members shall be general contractors; one (1) member shall be a mechanical/HVAC contractor; one (1) member shall be a plumbing contractor; and, one (1) member shall be an electrical contractor.

C. With the exception of an architect or engineer serving as an at-large member, each member of the Board must be:

1. An individual who is a City of Cody licensed contractor within the specialty he or she is designated to represent on the Board; or

2. A certified journeyman electrician, certified journeyman plumber or certified journeyman HVAC installer who is not individually licensed, but is employed by a licensed contractor that is licensed within the specialty the employee is designated to represent on the Board. If a member of the Board who is not individually licensed, and is serving as an employee of a licensed contractor, resigns, terminates, severs or otherwise loses his or her employment with such licensed contractor, then he or she may continue to serve as a member of the Board until the end of his or her term. If the Board member, at the end of his or her term, is not individually licensed in the specialty he or she is designated to represent, or is not employed by a licensed contractor, then he or she cannot serve as a member of the Board, and the Mayor and Governing Body shall appoint a new member who is licensed to fill the vacancy as described below.

D. The members of the Board shall each be appointed by the Mayor with the approval of the Governing Body, for a three (3) year term. Terms of members shall begin on January 1 and shall be staggered, with no more than four (4) members reaching the end of their term at the end of each calendar year. Subsequent appointments shall be for three (3) years each unless to fill an unexpired term. Members appointed to fill vacancies shall serve until the end of the term which they were appointed to fulfill, and may be reappointed for successive three (3) year terms. At the discretion of the Governing Body, members may be appointed for more than one term.

E. The Board shall meet at such intervals as necessary for the proper performance of its duties, but in any case, shall meet not less than twice each year.

Effective Date. This Ordinance shall become effective December 17, 2022, after final passage and publication in the Cody Enterprise.

PASSED ON FIRST READING: _____

PASSED ON SECOND READING: _____

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

Matt Hall, Mayor

ATTEST:

Cynthia Baker, Administrative Services Officer

MEETING DATE: OCTOBER 18
DEPARTMENT: ADMINISTRATIVE SERVICES
PREPARED BY: CINDY BAKER
ADMINISTRATIVE SERVICE OFFICER
DEPT. DIR. APPROVAL: _____
CITY ADM. APPROVAL: _____

AGENDA ITEM SUMMARY REPORT

Resolution 2022-21

ACTION TO BE TAKEN:

Approve resolution 2022-21.

SUMMARY OF INFORMATION:

In 2017, resolution 2017-09 was approved authorizing City Staff to approve request from Limited Club License holders to dispense alcohol outside the licensed building. This has been working well, however due to the fact there is no statute requiring a fee and Council did not want to charge a fee, Staff is requesting allowing the Limited Club License holder to request, in writing, annually of the intent to dispense alcohol outside the license building without having to do an individual request for each event, and a permit being issued. This is item number four on Resolution 2022-21

FISCAL IMPACT

None

ALTERNATIVES

1. Approve the Resolution to include item #4.
2. Do not approve and staff continue with the current process of receiving individual request and issuing permits for each one.

ATTACHMENTS

Resolution 2022-21

AGENDA ITEM NO. _____

RESOLUTION 2022-21

**A RESOLUTION GIVING CITY STAFF
AUTHORITY TO APPROVE REQUESTS
FROM HOLDERS OF CLUB LICENSES
TO DISPENSE ALCOHOL OUTSIDE THE
LICENSED BUILDING**

WITNESSETH:

WHEREAS, the State of Wyoming has granted authority to municipalities to regulate and enforce the sale of alcohol; and

WHEREAS, W.S. 12-4-301 authorizes clubs holding a limited retail liquor license (also known as a “club license”) to sell alcoholic or malt beverages for consumption anywhere on the licenses premises, subject to approval by the licensing authority; and

WHEREAS, City of Cody ordinance 3-2-3 provides that the Governing Body may, by resolution, authorize the City Administrator and /or Administrative Services Officer to approve such requests from those possessing a club license to sell alcohol outside the licensed building; and

WHEREAS, the City of Cody desires to allow the City Administrator and / or the Administrative Services Director to approve such requests, subject to the conditions described herein;

THEREFORE, BE IT RESOLVED BY THE CITY OF CODY as follows:

The City Administrator and / or the Administrative Services Director are hereby authorized to grant requests by those bona fide clubs (as defined by W.S. 12-1-101(a)(iii) which possess limited retail liquor licenses to sell or dispense alcohol outside the licensee’s licensed building, subject to the following terms, conditions and limitations:

1. The request shall be for no longer than twelve hours on a single day;
2. If the applicant intends to provide a band, DJ and /or other amplified music during the event in which it serves alcohol outside its building, the applicant shall ensure that the band, DJ and / or amplified music operate no later than 10:00 p.m.; and
3. The Chief of Police, or the Chief’s designee, shall at all times have the authority to immediately revoke or suspend the authority to sell or dispense alcohol outside the building, or otherwise order the applicant to cease the sale and / or dispensing of alcohol outside the building, if in the discretion of the Chief of Police or the Chief’s designee, the event poses a danger to the health, safety or welfare of the community.
4. Applicant will request, in writing, annual authority to dispense alcohol outside the licensed building. City Administrator and/or Administrative services Director will acknowledge request and grant request.

If the applicant wishes to modify these conditions, the applicant shall seek approval from the Governing Body for such request.

PASSED, APPROVED AND ADOPTED THE ____ Day of _____2022

MATT HALL, Mayor

Attest:

Cynthia Baker, Administrative Services Officer

MEETING DATE: OCTOBER 18, 2022
DEPARTMENT: ADMINISTRATIVE SERVICES
PREPARED BY: CINDY BAKER
ADMINISTRATIVE SERVICE OFFICER
DEPT. DIR. APPROVAL: _____
CITY ADM. APPROVAL: _____

AGENDA ITEM SUMMARY REPORT

Ordinances 2022-10, 2022-12 and 2022-13

ACTION TO BE TAKEN:

Approve Ordinance 2022-10, 2022-12 and 2022-13

SUMMARY OF INFORMATION:

Ordinance 2022-10- changes as follows:

1. Updates City of Cody Code to reflect the half percent (0.05%) of alcohol by volume regulated by the State of Wyoming – previous City Code indicate one percent (1%).
2. Deleting portions of the Restaurant definition as repealed by Law in 2017.
3. Adding Definitions for Brewery, Microbrewery, Winery and Operational to this section.

Ordinance 2022-12 – changes are as follows;

1. Adding License types – Manufacturer's License (Distillery License), Manufacturer's Satellite permit (Distillery), Manufacturer's off premise permit, and Malt Beverage permit for events conducted at a rodeo arena.

Ordinance 2022-13 changes are as follows.

1. Removing the second dispensing room fee for restaurant license holders as repealed by Law. (Item D)
2. Changing 24-hour Malt Beverage permit fee to \$50.00 (from \$30.00) (Item E)
3. Adding Fees for 24-hour manufacturer's off-premise permit (\$50.00), 24-hour winery off-premise permit (\$50.00) (Item I) and 24-hour malt beverage Permit for events conducted at rodeo arena ((\$50.00) (Item O).

FISCAL IMPACT

Increase in fees and/or establishing fees for certain permits will depend on the number of permits issued.

ALTERNATIVES

1. Approve Ordinances as recommended by staff
2. Do not approve Ordinances

AGENDA ITEM NO. _____

3. Approve Ordinances with revisions/amendments.

ATTACHMENTS

Ordinance 2022-10

Ordinance 2022-12

Ordinance 2022-13

ORDINANCE NO. 2022-10

**AN ORDINANCE AMENDING TITLE 3, CHAPTER 2, ARTICLE
I, SECTION 3-2-1, OF THE CITY OF CODY CODE:
DEFINITIONS**

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

Title 3, Chapter 2, Article I, Section 3-2-1 of the City of Cody Code, shall be amended to provide as follows:

3-2-1: DEFINITIONS:

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

ALCOHOLIC LIQUOR: Any spirituous or fermented fluid, substance or compound, other than malt beverage, intended for beverage purposes which contains more than half percent (.05%) of alcohol by volume.

BUILDING: A roofed and walled structure built or set in place for permanent use.

CLUB: Any of the following organizations:

A. A post, charter, camp or other local unit composed only of veterans and its duly organized auxiliary, chartered by the Congress of the United States for patriotic, fraternal or benevolent purposes and, as the owner, lessee or occupant, operates an establishment for these purposes within the State;

B. A chapter, lodge or other local unit of an American national fraternal organization and, as the owner, lessee or occupant, operates an establishment for fraternal purposes within the State. As used in this definition, an "American fraternal organization" means an organization actively operating in no less than thirty six (36) states or having been in active continuous existence for not less than twenty (20) years, but does not mean a college fraternity;

C. A hall or building association of a local unit specified in subsections A and B of this definition, of which all of the capital stock is owned by the local unit or its members, operating clubroom facilities for the local unit;

D. A golf club having more than fifty (50) bona fide members and owning, maintaining or operating a bona fide golf course, together with a clubhouse;

E. A social club with more than one hundred (100) bona fide members who are residents of the county in which it is located, owning, maintaining or operating club quarters, incorporated and operating solely as a nonprofit corporation under the laws of this State and qualified as a tax-exempt organization under the Internal Revenue Service Code and having been continuously operating for a period of not less than one year. The club shall have had during this one-year period a bona fide membership paying dues of at least twenty-five dollars (\$25.00) per year as recorded by the Secretary of the club, quarterly meetings and an actively engaged membership carrying out the objects of the club. A social club shall, upon applying for a license, file with the licensing authority and the commission, a true copy of its bylaws and shall further, upon applying for a renewal of its license, file with the licensing authority and commission a detailed statement

of its activities during the preceding year which were undertaken or furthered in pursuit of the objects of the club, together with an itemized statement of amounts expended for such activities. Club members, at the time of application for a limited retail liquor license pursuant to Wyoming Statutes section 12-4-301, shall be in good standing by having paid at least one full year of dues.

COMMISSION: The Wyoming Liquor Division within the Department of Revenue created under Wyoming Statutes section 12-2-106.

RESTAURANT: Space in a building maintained, advertised and held out to the public as a place where individually priced meals are prepared and served primarily for on premises consumption and where the primary source of revenue from the operation is from the sale of food and not from the sale of alcoholic or malt beverages. The building shall have a dining room or rooms, a kitchen and the number and kinds of employees necessary for the preparing, cooking and serving of meals in order to satisfy the licensing authority that the space is intended for use as a restaurant

SELL OR SALE: Offering for sale, trafficking in, bartering, delivering or dispensing and pouring for value, exchanging for goods, services or patronage, or an exchange in any way other than purely gratuitously. Every delivery of an alcoholic liquor or malt beverage made otherwise than by gift constitutes a "sale".

WHOLESALE: Any person, except the commission, who sells any alcoholic or malt beverage to a retailer for resale. (Ord. 2006-07, 5-2-2006)

BREWERY: means a commercial enterprise at a single location producing more than fifty thousand (50,000) barrels per year of malt beverage.

MICROWBREWERY: means a commercial enterprise producing not more than fifty thousand (50,000) barrels per year and no less than fifty (50) barrels per year of malt beverage.

WINERY: means a commercial enterprise manufacturing wine at a single location in Wyoming.

OPERATIONAL: means offering for sale on an ongoing weekly basis to the general public alcoholic liquor and malt beverages as authorized under a license or permit issued.

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: _____

ATTEST:

MATT HALL, Mayor

Cynthia D. Baker
Administrative Services Director

ORDINANCE NO. 2022-12

**AN ORDINANCE AMENDING TITLE 3, CHAPTER 2, ARTICLE
II, SECTION 3-2-9, OF THE CITY OF CODY CODE:
TYPES OF LICENSES AND PERMITS**

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

Title 3, Chapter 2, Article II, Section 3-2-9 of the City of Cody Code, shall be amended to provide as follows:

Pursuant to Wyoming Statutes title 12, the City may issue the following types of licenses and permits pertaining to alcoholic beverages:

- A. Retail liquor license;
- B. Limited retail liquor license (special club);
- C. Resort liquor license;
- D. Restaurant liquor license;
- E. Twenty-four (24) hour malt beverage permit;
- F. Special malt beverage permits issued under W.S. 12-4-504.
- G. Twenty-four (24) hour catering permit;
- H. Microbrewery permit;
- I. Winery permit;
- J. Satellite winery permit;
- K. Manufacturer's License (distillery License)
- L. Manufacturer's Satellite (distillery) permit;
- M. Manufacturer's off premise permit
- N. Bar and grill liquor license.
- O. Malt Beverage Wholesale License
- P. Malt Beverage permit for events conducted at rodeo arenas issued under W.S. 12-4-507.

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: _____

ATTEST:

MATT HALL, Mayor

Cynthia D. Baker
Administrative Services Director

ORDINANCE NO. 2022-13

**AN ORDINANCE AMENDING TITLE 3, CHAPTER 2, ARTICLE
II, SECTION 14 OF THE CITY OF CODY CODE:
LICENSE FEES**

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

Title 3, Chapter 2, Article II, Section 3-2-14 of the City of Cody Code, shall be amended to provide as follows:

3-2-14: LICENSE FEES:

- A. Every applicant issued a retail liquor license by the provisions of this article shall pay annually in advance for a license hereunder, the sum of one thousand five hundred dollars (\$1,500.00).
- B. Every applicant issued a limited retail liquor license (special club) by the provisions of this article shall pay annually in advance for a license hereunder, the sum of six hundred dollars (\$600.00).
- C. Every applicant issued a resort liquor license by the provisions of this article shall pay annually in advance for a license hereunder, the sum of one thousand dollars (\$1,000.00).
- D. Every applicant issued a restaurant liquor license by the provisions of this article shall pay annually in advance for a license hereunder, the sum of one thousand dollars (\$1,000.00).
- E. Every applicant issued a twenty-four (24) hour malt beverage permit by the provisions of this article shall pay in advance, the sum of fifty dollars (\$50.00).
- F. Every applicant issued a special malt beverage permit for a public auditorium, civic center or events center by the provisions of this article shall pay annually in advance the sum of one thousand five hundred dollars (\$1,500.00).
- G. Every applicant issued a twenty-four (24) hour catering permit by the provisions of this article shall pay in advance, the sum of fifty dollars (\$50.00).
- H. Every applicant who is issued a microbrewery permit by the provisions of this article shall pay annually in advance a fee of five hundred dollars (\$500.00).
- I. Every applicant issued a winery permit by the provisions of this article shall pay annually in advance for a license hereunder, the sum of five hundred dollars (\$500.00).
- J. Any applicant who is issued a satellite winery permit by the provisions of this article shall pay annually in advance the sum of one hundred dollars (\$100.00).

K. Any applicant who is issued a satellite distillery permit by the provisions of this article shall pay annually in advance the sum of one hundred dollars (\$100.00).

L. Any applicant who is issued a twenty-four (24) hour manufacturer's off-premises permit by provisions of this article shall pay in advance, the sum of fifty dollars (\$50.00).

M. Any applicant who is issued a twenty-four (24) hour winery off-premises permit by provisions of this article shall pay in advance, the sum of fifty dollars (\$50.00).

N. Any applicant who is issued a bar and grill liquor license by the provisions of this article shall pay annually in advance for a license hereunder, the sum of five thousand dollars (\$5,000.00) upon initial issuance and one thousand five hundred dollars (\$1,500.00) upon each annual renewal.

O. Any applicant who is issued a twenty-four (24) hour malt Beverage permit for events conducted at rodeo arenas by provisions of this article shall pay in advance, the sum fifty dollars (\$50.00).

P As of July 1, 2013, a portion of the revenue collected from said liquor license fees shall be allocated to the Tipsy Taxi Program so long as the program remains operational. The amount of such allocation shall be determined each fiscal year through the City budgeting process. (Ord. 2017-22, 10-17-2017; and. Ord. 2019-11, 1-21-2020)

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: _____

ATTEST:

MATT HALL, Mayor

Cynthia D. Baker
Administrative Services Director

MEETING DATE: 10/18/2022

DEPARTMENT: ADMIN

PREPARED BY: CINDY BAKER,
ADMINISTRATIVE SERVICES OFFICER

PRESENTED BY: CINDY BAKER

AGENDA ITEM SUMMARY REPORT

Ordinance 2022-18 Amending Title 8, Chapter 1, Article III, Section 14, of the Cody City Code to Modify and Set Electric Service Charges

ACTION TO BE TAKEN:

Consider approval of Ordinance 2022-18 to modify Disconnection or Reconnection of service at meter to \$40 to reflect changes previously passed by Ordinance 2022-14 in Title 8, Chapter 1, Article III, Section 13.

SUMMARY OF INFORMATION:

With the passing of the third reading of Ordinance 2022-14 rates and fees for Electric Services were changed, in reviewing Title 8, Chapter 1, Article III, Section 14 staff found that the disconnect or reconnection of service at meter reflected the previous rate of \$35, as such needs to be modified so entire Chapter 1 reflects the same fees and service charges. Since there is a discrepancy in two sections of Title 8, Chapter 1, until the third reading of this Ordinance, Staff will continue to charge the \$35.00 fee.

ATTACHMENTS

Ordinance 2022-18

AGENDA ITEM NO. _____

ORDINANCE 2022 – 18

AN ORDINANCE AMENDING TITLE 8, CHAPTER 1, ARTICLE III, SECTION 14, OF THE CODY CITY CODE TO MODIFY AND SET ELECTRICAL SERVICE CHARGES

Title 8, Chapter 1, Article III, Section 14, shall be hereby amended effective December 1, 2022:

8-1-14: PAYMENT OF BILLS:

A. All bills for the rates and charges of all utility services furnished by the City shall be due fifteen (15) days from the billing date. All bills shall be delinquent on the sixteenth day thereafter. Delinquent turnoff procedures shall commence after the thirty fifth day after the bill date and service will be turned off on the forty fifth day after the bill date or on the next scheduled disconnect date unless payment is made before that date except for cases of extreme hardship where adjustments/agreements can be made with the administrative services officer or his/her designee or during any period of extreme weather. Extreme weather occurs when the average temperature is or is expected to be equal to or less than thirty two degrees Fahrenheit (32°F) for a period of twenty four (24) consecutive hours.

The administrative services officer or his/her designee shall determine if extreme weather is occurring or is expected and adjust disconnections or order reconnections appropriately. Where adjustments require additional reconnections and/or disconnections due to extreme weather, they shall be performed without additional fees or charges.

B. In the event that a bill becomes delinquent, the City shall initiate the delinquent turnoff procedures and the following charges shall be assessed:

| | | |
|---|--|---------|
| Charge for the delivery of the final turnoff notice | | \$30.00 |
| Disconnection or reconnection of service at meter | | \$40.00 |
| Disconnection or reconnection of service other than meter | | \$50.00 |

C. If any utility payment is dishonored for any reason, the customer will be notified in writing stating that the account must be paid in cash or cash equivalent within thirty (30) days of the notice. The customer will be shut off if payment is not received. The same procedure will apply to a second dishonored payment received within a twelve (12) month period. Upon receipt of a third dishonored payment, the same procedure will apply and the customer will be notified in writing that payment in cash or cash equivalent will be required for payment of all future city bills for all utility customer charges and other fees.

If any payment is delivered to the city to prevent a shutoff and the payment is subsequently dishonored the customer will be subject to immediate service disconnection. Any customer who fails to pay the amount of the check and the collection fee pursuant to this section is liable to the city for three (3) times the amount of the check, but in no case less than one hundred dollars (\$100.00), a collection fee of thirty dollars (\$30.00) and court costs

D. In the event that any utility service is discontinued for nonpayment of bills, or receipt of dishonored payment, all applicable charges shall be paid in full prior to reconnection, as well as any applicable billing charges and the applicable connection or reconnection fees. A reasonable attorney fee shall be recovered by the city along with the total delinquent balance, including penalties and charges for all delinquent city supplied utilities if legal action is initiated to collect on a delinquent account.

E. If the city overcharges any customer as the result of a meter or metering inaccuracy or other continuing problem under its control, the city shall initiate a refund to the person(s) paying excessive rates the difference between the rates fixed in section 8-1-13 of this chapter and the rates so charged, collected or received. The refund should cover the entire amount of time the excessive charges were charged, collected or received, or for the period of time in which there are computerized records. No refund is required from the city except to the customer last served by the meter prior to when the error was found.

F. If the city undercharges any customer as the result of a meter or metering inaccuracy or other continuing problem under its control, the city may only bill the customer for difference between the rates fixed in section 8-1-13 of this chapter and the rates so charged in the six (6) previous billing periods immediately prior to the date the city remedies the meter or billing inaccuracy. No adjustments will be made to the customer's account except to the customer last served by the meter prior to when the error was found.

G. In the event that the electric service meter is found to be more than two percent (2%) in error, either fast or slow, proper correction shall be made of previous readings and adjusted bills shall be rendered. Since it is difficult to determine when the meter failed, the administrative services officer or his/her designee will review the account for the period of time when the failure appears to be noticeable and will calculate the average usage of the prior twelve (12) months, and will adjust the account accordingly based

on the average usage. The average usage will be billed and anything billed in excess of the average or below the average will be adjusted for the time period determined to be inaccurate.

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

PASSED ON FIRST READING: _____

PASSED ON SECOND READING: _____

PASSED ON THIRD READING: _____

Matt Hall, Mayor

ATTEST:

Cynthia D. Baker, Administrative Services Officer

MEETING DATE: OCTOBER 18, 2022

DEPARTMENT: PUBLIC WORKS – WATER

PREPARED BY: PHILLIP M. BOWMAN, P.E.

PRESENTED BY: PHILLIP M. BOWMAN, P.E.



AGENDA ITEM SUMMARY REPORT

Ordinance 2022-19 Amending Title 8, Chapter 2 of the City of Cody Municipal Code to Modify and Set Treated Water and Raw Water Service Fees and Rates

ACTION TO BE TAKEN

Consider approval and passage of Ordinance 2022-19 on First Reading to modify and set treated water and raw water service fees and rates becoming effective December 1, 2022.

SUMMARY OF INFORMATION

The City Council approved and adopted the “2021 City of Cody Water Master Plan” on November 16, 2021. A component of the Water Master Plan is a revenue needs analysis that identified the amount of funding needed for the twenty-year planning horizon to complete the recommended Capital Improvement Program (CIP) projects for the City’s treated water and raw water systems. In general, the Water Master Plan identified the need to increase the Water Enterprise Fund revenues by approximately eight percent (8%) per year for a period of seven to nine years.

Based on the findings of the Water Master Plan, the City Council approved the first treated water and raw water rate increase of approximately eight percent (8%) to be effective January 1, 2022. Ordinance 2022-19 proposes the second treated water and raw water increase of approximately eight percent (8%) to be effective with utility billing starting December 1, 2022. The specific charges and rates being increased are summarized as follows:

- Treated Water – City Base Rate increased to \$15.15 per month for a ¾ inch service (standard residential service size), and subsequent larger meter sizes based on the existing “multiplier” scale (previously \$14.05 per month for a ¾ inch service, a 7.83% increase)
- Treated Water – Usage Charge increased to \$3.03 per one thousand gallons (previously \$2.81 per thousand gallons, a 7.83% increase)
- Treated Water – Water Crane and Fire Hydrant Meter sales increased to \$8.43 per thousand gallons (previously \$7.80 per thousand gallons, an 8.08% increase)
- Raw Water – Annual Fee and Monthly Installments increased to \$147.00 per year and \$12.25 per month for a ¾ inch service (standard residential service size), and subsequent larger meter sizes based on the existing “multiplier” scale (previously \$136.00 per year and \$11.33 per month for a ¾ inch service, an 8.09% increase)
- Raw Water – Annual Fee and Monthly Installments for townhouse units increased to \$73.50 per year and \$6.13 per month (previously \$68.00 per year and \$5.67 per month, an 8.11% increase)

City Staff is currently examining the treated water and raw water service fees, and may propose slight revisions to the fee table contained in Chapter 8-2-37 as well. If changes to the fee table are recommended, those modifications will be presented with the Second Reading of Ordinance 2022-19.

AGENDA ITEM NO. _____

FISCAL IMPACT

The Water Enterprise Fund is budgeted to collect \$3.743 million in “Charges for Utility Services” for treated water and raw water in the approved FY 2023 Budget. With the proposed 8.0% rate increase taking effect on December 1, 2022, it is projected that approximately \$115,000 less revenue will be generated in FY 2023 as there will be 7 months of increased revenue collections rather than a full year.

ATTACHMENTS

1. Ordinance 2022-19

AGENDA & SUMMARY REPORT TO:

None.

ORDINANCE 2022-19

**AN ORDINANCE AMENDING TITLE 8, CHAPTER 2
OF THE CITY OF CODY MUNICIPAL CODE TO MODIFY AND SET
TREATED WATER AND RAW WATER SERVICE RATES**

Title 8, Chapter 2, Article II, shall be hereby amended as follows effective December 1, 2022.

8-2-40: SCHEDULE OF RATES AND CHARGES

The rates for metered water sold within the City limits shall be as follows:
The minimum monthly charge for each meter shall be as follows:

| <u>Meter Size</u> | <u>SMP Charge</u> | <u>City Base Charge</u> |
|-------------------|-------------------|-------------------------|
| 3/4 inch | \$ 11.00 | \$ 15.15 |
| 1 inch | \$ 22.00 | \$ 30.30 |
| 1 1/2 inch | \$ 44.00 | \$ 60.60 |
| 2 inches | \$ 77.00 | \$ 106.05 |
| 3 inches | \$ 176.00 | \$ 242.40 |
| 4 inches | \$ 308.00 | \$ 424.20 |
| 6 inches | \$ 704.00 | \$ 969.60 |

The SMP Charge is the wholesale tap equivalency fee charged by the Shoshone Municipal Pipeline. The City Base Charge is the fee assessed by the City for the operation and maintenance of the treated water storage and distribution system. The minimum monthly fee is calculated as follows:

SMP Charge + City Base Charge + three dollars and three cents (\$ 3.03) per thousand gallons per month.

All sections shall remain unchanged until Item B.1.

1. For water taken and purchased from the City Water Crane, a minimum of eight dollars and forty-three cents (\$ 8.43) for the first one thousand (1,000) gallons or less, plus eight dollars and forty-three cents (\$ 8.43) per one thousand (1,000) gallons for each additional one thousand (1,000) gallons, or any fraction thereof per trip or load.

All sections shall remain unchanged until Item B.2.d.

- d. The fee for water use shall be a minimum of eight dollars and forty-three cents (\$ 8.43) per one thousand (1,000) gallons or any fraction thereof of water used. This fee may be adjusted to the wholesale cost to the City if the water is used for a City-funded project subject to the approval of the Public Works Director.

All sections shall remain unchanged until Item B.3.

3. Any person desiring to take domestic City water from any other unmetered source, excepting City personnel for authorized City purposes and Fire Department personnel for authorized Fire Department purposes, shall first obtain a written permit from the Public Works Director or his/her designee. Such permit shall fully state the name and billing address of the person or party responsible for payment of water taken, meter number for meter used, and the location of the source (hydrant) from where the water is to be taken. The fee for the use of water shall be a minimum of eight dollars and forty-three cents (\$ 8.43) for the first one thousand (1,000) gallons or less, plus eight dollars and forty-three cents (\$ 8.43) per one thousand (1,000) gallons for each additional one thousand (1,000) gallons, or fraction thereof, per trip or load. This fee may be adjusted to the wholesale cost to the City, if the water is used for a City project or as determined by the Governing Body.

* NO FURTHER MODIFICATIONS TO TITLE 8, CHAPTER 2, ARTICLE II *

Title 8, Chapter 2, Article III, shall be hereby amended as follows effective December 1, 2022.

8-2-56: SCHEDULE OF RATES AND CHARGES; TIME OF PAYMENT; FAILURE TO PAY; REQUIREMENT FOR METER:

- A. All users tapped to the raw water system, except as provided in subsections B, C, D, E and F of this section, shall pay a raw water fee based on tap size. All utility bills generated on or after December 1, 2022, shall be billed in monthly installments as follows:

| Tap Size | Annual Fee | Payable In Monthly Installments |
|--------------|-------------|---------------------------------|
| 3/4 inch | \$ 147.00 | \$ 12.25 |
| 1 inch | \$ 220.50 | \$ 18.38 |
| 1 1/4 inches | \$ 367.50 | \$ 30.63 |
| 1 1/2 inches | \$ 588.00 | \$ 49.00 |
| 2 inches | \$ 882.00 | \$ 73.50 |
| 2 1/2 inches | \$ 1,102.50 | \$ 91.88 |
| 3 inches | \$ 1,323.00 | \$ 110.25 |
| 4 inches | \$ 1,837.50 | \$ 153.13 |

All sections remain unchanged until Item E.

- E. Individual taps for townhouse residences shall pay an annual fee of seventy-three dollars and fifty cents (\$ 73.50), which shall be billed in monthly installments of six dollars and thirteen cents (\$ 6.13).

* NO FURTHER MODIFICATIONS TO TITLE 8, CHAPTER 2, ARTICLE III *

Title 8, Chapter 2, Article IV, shall be hereby amended as follows effective December 1, 2022.

8-2-58: SPECIAL USE WATER POLICY:

- A. < NO CHANGE >
- B. Use; Calculation: The special use water policy allows authorized customers a reduced rate on the treated water for lawn and garden use. The special use water policy is calculated as follows:
1. An average will be calculated using the November through May billing periods based on the account holder's treated water usage.
 2. For the June through October billing periods, customers will be billed their average usage at the regular rate of three dollars and three cents (\$ 3.03) per one thousand (1,000) gallons of treated water used. The amount used over the average usage will be billed at one dollar and thirty-four cents (\$ 1.34) per one thousand (1,000) gallons of treated water used. Wastewater will be billed based on the average treated water use from the November through May billing periods. There is no additional sewer charge on the additional water beyond the average used for irrigation purposes.
 3. For the November through May billing periods, the account holder will be charged three dollars and three cents (\$ 3.03) per one thousand (1,000) gallons of water actually used, and wastewater will be charged at one dollar and eighty-four cents (\$ 1.84) per one thousand (1,000) gallons based on the actual amount of treated water used.

8-2-59: MODIFIED SPECIAL USE WATER POLICY:

A. < NO CHANGE >

B. Use; Calculation: The modified special use water policy allows authorized customers a reduced rate on the wastewater charges when water is used for lawn and garden use. The modified special use water policy is calculated as follows:

1. For calculation of wastewater purposes, an average will be calculated using the November through May billing periods based on the account holder's treated water usage.
2. For the June through October billing periods, customers will be billed for the actual amount of water used at the regular rate of three dollars and three cents (\$ 3.03) per one thousand (1,000) gallons of treated water used. Wastewater will be billed at one dollar and eighty-four cents (\$ 1.84) per one thousand (1,000) gallons based on the average treated water use from the November through May billing periods. There is no additional sewer charge on the additional water beyond the average used for irrigation purposes.

* NO FURTHER MODIFICATIONS TO TITLE 8, CHAPTER 2, ARTICLE IV *

This Ordinance 2022-19 shall become effective at the final passage after third reading and publication in the Cody Enterprise as required by law:

PASSED ON FIRST READING: _____

PASSED ON SECOND READING: _____

PASSED ON THIRD READING: _____

Matt Hall, Mayor

ATTEST:

Cynthia D. Baker, Administrative Services Officer