

**REGULAR CITY COUNCIL
WORK SESSION MEETING**
May 09, 2023
6:00 PM
City Hall



Mayor:
Leah Juarez
Council President:
Sara McCarthy
Council Members:
Cherie Butcher
Brad Neumiller
Tim Sutherland

AGENDA

CALL TO ORDER

AGENDA ITEMS

1. Mayor:

Review Agenda

2. City Planner:

Shawville: A Vacation and Replat

Ordinance 793: First Reading: An Ordinance Authorizing the Vacation and Replat of Lots 1,2,3 and Reservoir Tract, Evergreen Park Subdivision and Lot 1, Block 8 Evergreen NO 2 and a Portion of South Fifth Ave Adjacent to Lot 1, Block 8 Evergreen Park NO 2, to be Known as Shawville Addition

3. Fire Chief:

Resolution 2023-7 : A Resolution Establishing Rates for Ambulance Services for the City of Mills

4. Councilman Neumiller:

Byrd Scooters

5. City Attorney:

Ordinance 794: First Reading: An Ordinance Granting an Electric Utility Franchise And General Utility Easement to Rocky Mountain Power

ADJOURNMENT

AGENDA SUBJECT TO CHANGE WITHOUT NOTICE

In accordance with the Americans with Disabilities Act, persons who need accommodation in order to attend or participate in this meeting should contact City Hall at 307-234-6679 within 48 hours prior to the meeting in order to request such assistance.



CITY OF MILLS
EST. 1921

704 Fourth Street
P.O. Box 789
Mills, WY 82644

Phone: 307-234-6679
Fax: 307-234-6528

Item #2.

Memorandum

TO: Mills City Council
FROM: Megan Nelms, AICP, City Planner
DATE: May 5, 2023

SUBJECT: Shawville Addition

Resubdivision of Lots 1, 2, 3 & Reservoir Tract, Evergreen Park Subdivision and Lot 1, Block 8, Evergreen Park No. 2, and a portion of South Fifth Avenue adjacent to Lot 1, Block 8, Evergreen Park No. 2

Case Number: 23.03 FSP

Summary: The applicant is proposing to resubdivide five (5) lots within the Evergreen Park Subdivision & Evergreen Park No. 2 to create five (6) lots for the purposes of redevelopment and clean-up of the area.

An unbuilt portion of right-of-way that was previously platted is also being vacated with this resubdivision.

Current Zoning: ER (Established Residential) *no change of zoning is requested or required.

Planning Commission Recommendation: At their April 6, 2023, meeting the Planning & Zoning Commission made a “DO PASS” recommendation on the resubdivision request.

Staff Recommendation: Staff recommends APPROVAL of the resubdivision plat.

Shawville Addition

Final Plat

Planning Commission Meeting
April 6, 2023

City Council Meeting

Applicants: Shaw Investments, LLC, Albon Shaw

Case Number: 23.03 FSP

Agent: Shane Porter, WLC Engineer & Surveying

Summary: The applicant is proposing to resubdivide four (4) lots within the Evergreen Park Subdivision to create five (5) lots for the purposes of redevelopment and clean-up of the area.

Legal Description: Lots 1, 2, 3 & the Reservoir Tract, Evergreen Park Subdivision

Location: The property is located at the intersection of Rambler St. and S. 5th Ave. Lots 1, 2 & 3 also have access to S. 4th Ave. on the east side of the properties.

Current Zoning: ER (Established Residential) *no change of zoning is requested or required.

Existing Land Use: There are dilapidated structures, mobile homes and various debris on the parcels.

Adjacent Land Use: North: Austin Addition (DB & ER)
South: Evergreen Park (ER)
East: Agate Addition (DR)
West: Evergreen Park No. 2 (ER)

Planning Considerations:

1. Verify the record owner name for the neighboring property included in the resubdivision (Lot 1, Block 8, Evergreen Park II)
2. Cosmetic Changes to the Plat
 - a. Remove the word "Attest" the City Engineer's signature
 - b. Add a legend to the plat face
3. Submit organizational documents for Shaw Investments, LLC showing who is authorized to sign on behalf of the organization.

4. Add a legend for the lines – easements property boundaries, etc.

Staff Recommendation:

Staff recommends APPROVAL of the final plat upon all planning considerations being completed.

Planning Commission Recommendation:

City Council Decision:



CITY OF MILLS

APPLICATION FOR PLAT/REPLAT

Pursuant to the City of Mills Zoning Ordinance



City of Mills, Wyoming
704 4th Street (Physical Address)
P.O. Box 789 (Mailing Address)
Mills, Wyoming 82644

Date: March 15, 2023
Return by: March 17, 2023
(Submittal Deadline)
For Meeting on: April 6, 2023

PLEASE PRINT

SINGLE POINT OF CONTACT: Albon Shaw

APPLICANT/PROPERTY OWNER(S) INFORMATION:

Print Owner Name: Shaw Investments LLC
Owner Mailing Address: P.O. Box 695
City, State, Zip: Casper, WY 82602
Owner Phone: 307-251-2535
Applicant Email: albon@teamwyocity.com

AGENT INFORMATION:

Print Agent Name: Shane Porter, WLC Engineering and Surveying,
Agent Mailing Address: 200 Pronghorn St.
City, State, Zip: Casper, WY 82601
Agent Phone: 307-266-2524
Agent Email: shanep@wlcwyo.com

PROPERTY INFORMATION:

Subject property legal description (attach separate page if long legal): Lots 1, 2, 3 and the Reservoir Tract of Evergreen Park Subdivision
located in and being a portion of the SW1/4NW1/4, Section 12, Township 33N, Range 80W
Physical address of subject property if available: 472, 504 and 532 S. 4th Avenue; 507 S. 5th Ave; and 5142 Rambler Street.
Size of lot(s) Currently Ranging from 10,700 SF. to 6,534 SF. sq. ft/acres:
Current zoning: Established Residential Current use: Residential
Intended use of the property: Maintain Established Residential with a Single Family Dwellings
Zoning within 300 feet: DB North; ER N, W, and S; DB and DR East Land use within 300 feet: Residential, Vacant

ATTACHMENTS (REQUIRED):

1. Proof of ownership: X (such as deed, title certification, attorney's title opinion)
2. Seven (7) full sized copies of the plat/replat: X
3. One reproducible 11 x 17 plat/replat hard copy: X
4. One plat/replat electronic copy (pdf): X

RIGHT-OF-WAY / EASEMENT INFORMATION:

Right-of-Way / Easement Location: Front and Back Lot Line Utility Easements are provided. Street ROW's remain unchanged
(Example: along west property line, running north & south)

Width of Existing Right-of-Way / Easement: _____ Number of Feet to be Vacated: _____

Please indicate the purpose for which the Right-of-Way / Easement is to be vacated / Abandoned

SIGNATURE(S):

The following owner's signature signifies that all information on this application is accurate and correct to the best of the owner's knowledge; and that the owner has thoroughly read and understands all application information and requirements. [In addition to the owner's signature(s), if an agent of the owner is also to be notified and/or contacted for all communications relating to this application, please have the agent sign below.]

I (We) the undersigned owner(s) of the property described above do hereby make application to the City of Mills as follows:
Application to vacate Lots 1, 2, 3 and Reservoir Tract of the Evergreen Park Subdivision and replat to create Lots 1, 2, 3, 4, and 5 of the Shawville Addition.

OWNER Signature Albon Shaw

OWNER Signature _____

AGENT Signature Shane M. Porter

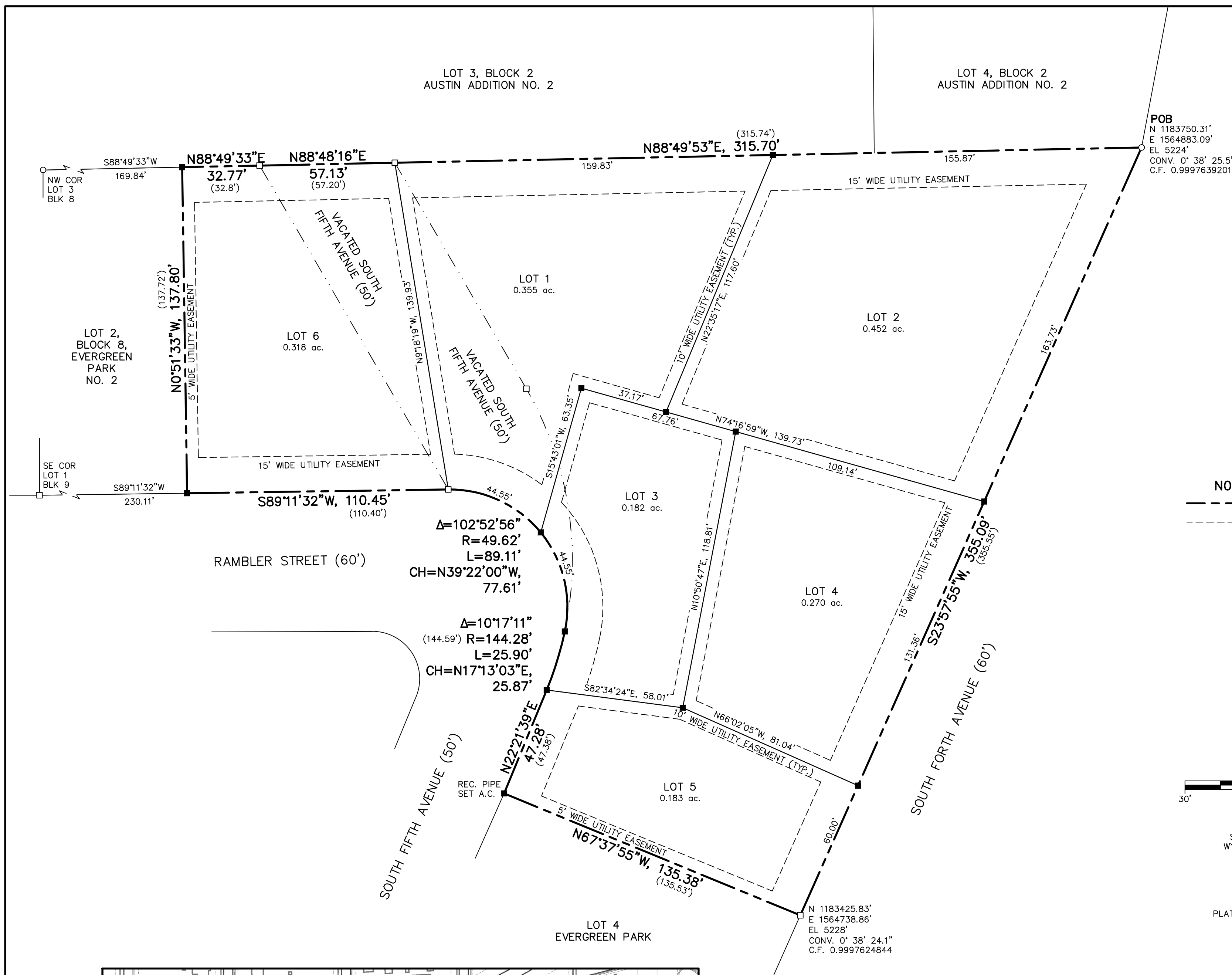
FEES (Plat/Replat): \$10.00 per lot (\$250.00 minimum and a \$1,000.00 maximum), **plus \$150.00 recording fee.**

For Office Use Only: Signature verified: _____ Proof of ownership provided: _____ Fee Paid: \$ _____

PLAT OF "SHAWVILLE ADDITION"

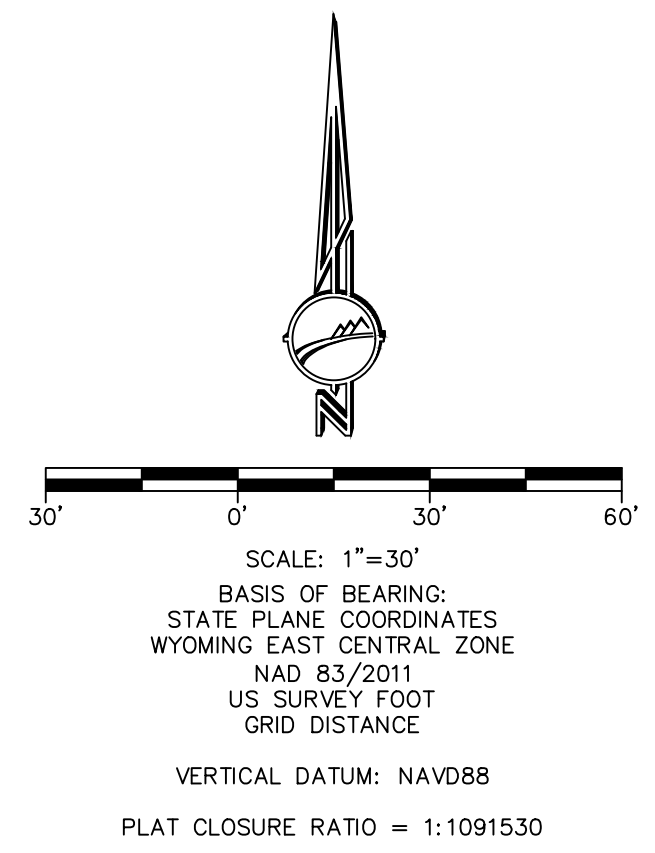
TO THE CITY OF MILLS, WYOMING
A SUBDIVISION LOCATED IN AND BEING A PORTION OF THE SW1/4NW1/4, SECTION 12, TOWNSHIP 33 NORTH, RANGE 80 WEST OF THE SIXTH PRINCIPAL MERIDIAN, NATRONA COUNTY, WYOMING.

BEING A VACATION AND REPLAT OF LOTS 1, 2 AND 3 AND THE RESERVOIR TRACT OF EVERGREEN PARK, A SUBDIVISION LOCATED IN AND BEING A PORTION OF THE SW1/4NW1/4 & NW1/4SW1/4, SECTION 12; AND LOT 1, BLOCK 8, EVERGREEN PARK NO.2 SUBDIVISION, A SUBDIVISION LOCATED IN AND BEING A PORTION OF THE SW1/4NW1/4 & NW1/4SW1/4, SECTION 12; AND A PORTION OF SOUTH FIFTH AVENUE ADJACENT TO LOT 1, BLOCK 8, EVERGREEN PARK NO.2 SUBDIVISION



LEGEND

- SET ALUM. CAP
- RECOVERED BRASS CAP
- RECOVERED ALUM. CAP
- (0.00') RECORD MEASURED
- PARCEL BOUNDARY
- - - - - EASEMENT



DEDICATION STATEMENT

Shaw Investments, LLC, Kimberly Perez and the City of Mills do hereby certify that they are the owners and proprietors of the foregoing vacation and replat of Lots 1, 2 and 3 and the Reservoir Tract of Evergreen Park, a subdivision located in and being a portion of the SW1/4NW1/4 & NW1/4SW1/4, Section 12; and Lot 1, Block 8, Evergreen Park No.2 Subdivision, a subdivision located in and being a portion of the SW1/4NW1/4 & NW1/4SW1/4, Section 12; and a portion of South Fifth Avenue adjacent to Lot 1, Block 8, Evergreen Park No.2 Subdivision, a subdivision located in and being a portion of the SW1/4NW1/4 & NW1/4SW1/4, Section 12, all being in Township 33 North, Range 80 West of the Sixth Principal Meridian, Natrona County, Wyoming and being more particularly described by metes and bounds as follows:

Beginning at the northeasterly corner of the Parcel being described and the southeasterly corner of Austin Addition No. 2 to the Town of Mills and a point in the westerly line of South Fourth Avenue; thence from said Point of Beginning and along the easterly line of the Parcel being described and the westerly line of said South Fourth Avenue, S23°57'55"W, 355.09 feet to the southeasterly corner of said Parcel and the northeasterly corner of Lot 4, Evergreen Park Subdivision; thence along the southerly line of the Parcel being described and the northerly line of said Lot 4, N67°37'55"W, 135.38 feet to the southwesterly corner of said Parcel and the northwesterly corner of said Lot 4 and a point in and an intersection with the easterly line of South Fifth Avenue; thence along the westerly line of the Parcel being described and the easterly line of said South Fifth Avenue, N22°21'39"E, 47.28 feet to the beginning of a curve; thence along the arc of a true curve to the left and having a radius of 144.28 feet, and the long chord of which bears N17°13'03"E, 25.87 feet, through a central angle of 10°17'11", 25.90 feet to the beginning of a tangential curve; thence along the arc of a true curve to the left and having a radius of 49.62 feet, and the long chord of which bears N39°22'00"W, 77.61 feet, through a central angle of 10°2'52"56", 89.11 feet to a point of intersection with a tangent line and a point in the northerly line of Rambler Street; thence along the northerly line of said Rambler Street, S89°11'32"W, 110.45 feet to the southeasterly corner of Lot 2, Block 8, Evergreen Park No. 2; thence along the easterly line of said Lot 2, Block 8, Evergreen Park No. 2, N0°51'33"W, 137.80 feet to the northwesterly corner of said Parcel and the northeasterly corner of said Lot 2, Block 8, Evergreen Park No. 2 and a point in and an intersection with the southerly line of said Austin Addition No. 2; thence along the northerly line of the Parcel being described and the southerly line of said Austin Addition No. 2, N88°49'33"E, 32.77 feet to a point; thence, N88°48'16"E, 57.13 feet to a point; thence, N88°49'53"E, 315.70 feet to said Point of Beginning and containing 1.761 acres, more or less.

Said Parcel being subject to any and all reservations, easements and rights-of-way of record or as may otherwise exist.

The vacation, replat and subdivision of the foregoing described lands as appears on this plat is with the free consent, and in accordance with the desires of the undersigned owners and proprietors. The name of said subdivision shall be known as "SHAWVILLE ADDITION" to the City of Mills, Wyoming. All streets as shown hereon have previously been dedicated to the use of the public and easements as shown hereon are hereby dedicated to the use of public and private utility companies for purposes of construction, operation and maintenance of utility lines, conduits, ditches drainage and access.

SHAW INVESTMENTS, LLC PO BOX 695 CASPER, WY 82602	KIMBERLY PEREZ PO BOX 321 MILLS, WY 82644	CITY OF MILLS 704 4TH STREET MILLS, WY 82604
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SHAW INVESTMENTS, LLC

ALBON SHAW, MANAGING MEMBER

STATE OF WYOMING }
COUNTY OF NATRONA }SS

The foregoing instrument was acknowledged before me by Albon Shaw, Managing Member this _____ day of _____, 20____.

Witness my hand and official seal.

My commission expires: _____

NOTARY PUBLIC

KIMBERLY PEREZ

KIMBERLY PEREZ

STATE OF WYOMING }
COUNTY OF NATRONA }SS

The foregoing instrument was acknowledged before me by Kimberly Perez this _____ day of _____, 20____.

Witness my hand and official seal.

My commission expires: _____

NOTARY PUBLIC

CITY OF MILLS

LEAH JUAREZ, MAYOR

STATE OF WYOMING }
COUNTY OF NATRONA }SS

The foregoing instrument was acknowledged before me by Leah Juarez, Mayor this _____ day of _____, 20____.

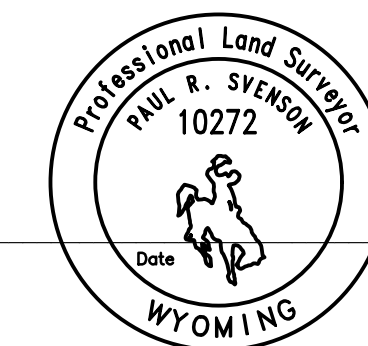
Witness my hand and official seal.

My commission expires: _____

NOTARY PUBLIC

SURVEYORS CERTIFICATE

I, Paul R. Svenson, a Professional Land Surveyor, 10272, do hereby certify that this plat was made from notes taken during an actual survey made by me or under my direct supervision during the months of February & March, 2023 and that this plat, to the best of my knowledge and belief, correctly and accurately represents said survey.



STATE OF WYOMING }
COUNTY OF NATRONA }SS

The foregoing instrument was acknowledged before me by Paul R. Svenson this _____ day of _____, 20____.

Witness my hand and official seal.

My commission expires: _____

NOTARY PUBLIC

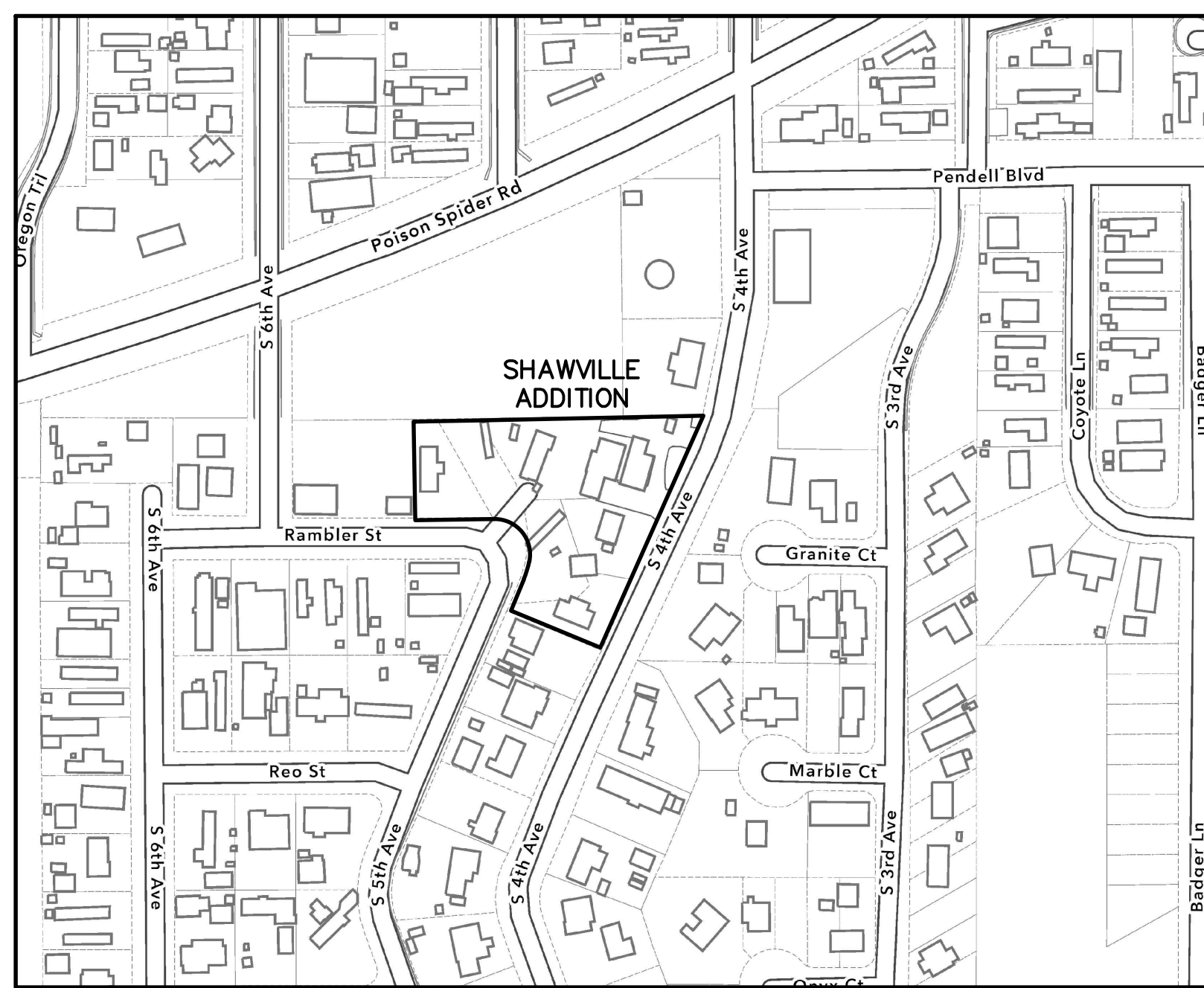
APPROVALS

Approved by the City Council of the City of Mills, Wyoming by Ordinance No. _____ duly passed, adopted and approved this _____ day of _____, 20____.

Attest: _____ Attest: _____
City Clerk Mayor

Inspected and approved this this _____ day of _____, 20____.

City Engineer



VICINITY MAP
SCALE: 1"=200'



ENGINEERING - SURVEYING
200 PRONGHORN, CASPER, WY. 82601
W.O. NO. 17689 DATE: 5-4-23 FILE NAME: SHAWPLAT2

Shawville Addition – Final Resubdivision Plat



Mills Zoning Districts

Mills, DB	Mills, ER: Established Residential
Mills, DI: Developing Industrial	Mills, PLI: Public Land Institutions
Mills, DMH: Developing Mobile Home	Mills, PUD: Planned Urban Development
Mills, DR: Developing Residential	Mills, MSR: Mixed Sized Residential
Mills, EB: Established Buisness	Mills, MU: Mixed Use
Mills, EI: Established Industrial	Mills, UA: Urban Agriculture
	Mills, UR: Urban Agriculture Residential



MINUTES OF THE 6th OF APRIL 2023

MILLS PLANNING & ZONING BOARD MEETING

Board Members Present: Pattie Gould, Bob Greenley, Ed Greenwood and Leon Norvell were all present for this P&Z Meeting.

Others in Attendance: Megan Nelms, City Planner, Kevin O’Hearn, Building Official, Leo Maddox, Lewis James, JKC Engineering, Steve Loftin, Albon Shaw, Kammi Shaw, applicants were also in attendance.

Chairman Pattie Gould called the Meeting to order at 5:05 PM on April 6, 2023, as a quorum was present.

Chairman Pattie Gould asked board members if they had read the minutes of the March 16, 2023, P&Z Board meeting. Board Member Ed Greenwood made a motion to approve the minutes. Board Member Leon Norvell seconded the motion. Chairman Pattie Gould called for a vote to pass the minutes of the 6th of April 2023 P&Z meeting. All ayes, motion passed.

Pattie asked Megan to present the first agenda item. Megan introduced case number 23.01 FSP, the Maddox Resubdivision request.

Background:

The applicant is proposing to resubdivide a portion of Lot 1 and all of Lot 2, Block 21, Mountain View Suburb to remove the interior lot line and create one, singular parcel, for the purpose of building a shop for storage.

No comments were received from external and internal staff reviews. Megan provided an overview of the request:

Planning Considerations:

1. Revise the plat title, all legal descriptions, and the dedication to except out that 12’ x 24’ portion in the SW corner of Lot 1. It should read:
 - a. “Vacation & Replat of a portion of Lot 1 & all of Lot 2, Block 21, Mountain View Suburb to be known as Lot 1A, Block 21, Mountain View Suburb...”
2. Add at 5’ general utility easement around the interior boundary of the subdivision.
3. Survey Reviews:
 - a. Add elevations with the given coordinates and a note with vertical datum
 - b. Verify the survey date of April 2022

MINUTES OF THE 6th OF APRIL 2023

MILLS PLANNING & ZONING BOARD MEETING

4. Submit organizational documents for Maddox Family Living Trust showing who is authorized to sign on behalf of the Trust.

Staff Recommendation: Staff recommends the Planning and Zoning Board approve the Maddox Resubdivision request, pending completion of all planning considerations.

Chairman Gould thanked Megan and asked if there were any questions from the Board. Board Member Greenley inquired about the survey changes and Megan explained they were very minor, mostly cosmetic changes to the plat. Mr. Maddox stated he would get the Trust documents as soon as possible.

Chairman Gould then asked if there was any further discussion. There was none so she called for a motion. Board Member Bob Greenley made a motion to provide the City Council with a “Do Pass” recommendation for the Maddox Resubdivision request. Board Member Leon Norvell seconded the motion. All voted in favor, motion carried.

Megan presented the next case, 23.02 FSP for the Freden Addition No. 3.

Background:

The applicant is proposing to resubdivide/adjust the boundary lines between three (3) lots within the Freden Addition for the purposes of cleaning up parcel ownership.

No comments were received from external and internal staff reviews. Megan provided an overview of the request:

Planning Considerations:

1. The Title Block should read “Vacation and Replat of Lots 2 & 3, Block 5, Freden Addition and Lot 4B, Block 5, Freden Addition City of Mills...”
2. Survey Reviews:
 - a. There is a mis-closure on Lot 2 of 9.30’. The west line is short
 - b. Label the widths of Pendell Blvd (80’) and Freden Blvd (50’)
 - c. Verify the survey date of April 2022
3. Cosmetic Changes to the Plat
 - a. In the Approvals, change the date on the City Council approval from 2022
 - b. In the Engineer’s Approval, change the year from 2013
 - c. In the Notary Block for the Surveyor’s Certificate, change the year from 2013
 - d. In the Notary Block for the owner’s signature, change the year from 2022
4. Submit organizational documents for Bonander Properties, LLC showing who is authorized to sign on behalf of the LLC.

MINUTES OF THE 6th OF APRIL 2023

MILLS PLANNING & ZONING BOARD MEETING

Staff Recommendation: Staff recommends the Planning and Zoning Board approve the final plat for the Freden Addition No. 3, pending completion of all planning considerations.

Chairman Gould thanked Megan and asked if there were any questions from the Board. The applicant was not in attendance at the meeting and there was no discussion regarding the case.

Chairman Gould then called for a motion. Board Member Ed Greenwood made a motion to provide the City Council with a “Do Pass” recommendation for the Freden Addition No. 3 request. Board Member Bob Greenley seconded the motion. All voted in favor, motion carried.

Megan presented then presented the next case, 23.03 FSP the final plat of the Shawville Addition.

Background:

The applicant is proposing to resubdivide four (4) lots within the Evergreen Park Subdivision to create five (5) lots for the purposes of redevelopment and clean-up of the area.

No comments were received from external and internal staff reviews. Megan provided an overview of the request:

Planning Considerations:

1. Modify the plat to include the vacation of that portion of S. 5th Avenue and
 - a. Revise the plat title & description to include the vacation of that portion of S. 5th Avenue and Lot 1, Blk 8, Evergreen Park No. 2
 - b. Modify Lot 1 and Lot 2, Blk 8 to include that vacated portion of S. 5th Avenue
 - c. Ensure all standards are met including:
 - i. Minimum lot width of 40’
 - ii. All lots have access to publicly dedicated right of way
 - d. Submit a revised plat for review

2. Verify the location of all utilities and the need for any applicable utility easements
 - a. Verify the needed 15’ utility easements
 - b. Ensure only needed easements are provided for the vacated portion of right of way

3. Cosmetic Changes to the Plat
 - a. The owner name across the plat needs to be “Shaw Investments, LLC” per the warranty deed.
 - b. Change the name of the neighboring landowner joining the subdivision to Kimberly Perez not Sylvester Graham
 - c. In the notary block, add “Managing Member” after Albon Shaw’s name
 - d. Remove the word “Attest” from the Mayor & Engineer’s signatures

4. Submit organizational documents for Shaw Investments, LLC showing who is

MINUTES OF THE 6th OF APRIL 2023 MILLS PLANNING & ZONING BOARD MEETING

authorized to sign on behalf of the organization.

- 5. Add a legend for the lines – easements property boundaries, etc.

Staff Recommendation: Staff recommends the Planning and Zoning Board approve the final plat for the Shawville Addition, pending completion of all planning considerations.

Megan stated that the applicants had turned in a revised plat the day before, showing the unbuilt portion of S. 5th Avenue being vacated. They also added the neighboring property owner so that the vacated portion of right of way is equally distributed between the lots and have reconfigured the lots so all have the required amount of street frontage. The City will also now sign the plat as owner since they represent the public in the vacation of the right of way.

There was general discussion regarding the right of way vacation. All agreed that it was a good thing and the resubdivision plat is a good opportunity to get rid of it and clean up the lot lines.

Albon Shaw, applicant, discussed the work he has been doing on the property to clean it up. He has also had various discussions with the neighboring property owners about their future plans for the area, as he is looking at purchasing more lots in the future to clean up and re-develop. He stated the area has been like it is now for a number of years and things have just been left untouched.

Chairman Gould then asked if there was any further discussion. There was none so she called for a motion. Board Member Leon Norvell made a motion to provide the City Council with a “Do Pass” recommendation for the proposed Shawville Addition. Board Member Bob Greenley seconded the motion. All voted in favor, motion carried.

The next case on the agenda had been tabled at the January 2023 meeting. Megan informed the Chairman that they need to make a motion to remove the case from the tablet to consider it. Chairman Gould then asked for a motion to the remove case 22.01 PSP from the table to consider it. Board Member Bob Greenley moved to remove the case from the table for consideration. Board Member Ed Greenwood seconded. All voted in favor, motion carried.

Megan then presented case 22.01 PSP, the preliminary plat for proposed Midway Subdivision. She stated that the plat had been tabled back in January so that the applicant could revise the plat based on comments provided by the commission. She then provided an overview of the case.

Background:

The applicants are proposing to subdivide approximately 39.69-acres into an 18-lot industrial subdivision. Each lot averages approximately 1.50-acres in size.

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MILLS PLANNING & ZONING BOARD MEETING

Planning Considerations:

1. There is no legal access to proposed Lot 8 or Tract A
 - a. Only the south 30' of the MJB Rd. right of way touches the subject
 - b. Must provide 60' of access & construct the roadway
 - c. There is a 60' wide electrical easement and a power structure in the area where the right of way could be extended
 - d. Revise the plat to provide 60' of access to proposed Lot 8 and Tract A
2. All cul-de-sacs shall have a radius of no less than 96' in diameter.
3. Verify and ensure all easements are properly labeled.
 - a. Add 5' general utility easements to each side of all interior lots lines.
4. The 75' wide powerline (WAPA easement) shall be crosshatched on the plat face and add language "RESTRICTED BUILDING AND VEGETATION AREA".
5. Add the following as a notes section on the plat face with regard to the WAPA easement:

The United States Government (US) holds an access and a 75-foot-wide Casper-Glendo N transmission line easement (37.5 feet on either side of centerline) for the right to operate, patrol, repair, maintain, use, construct, and reconstruct an electrical transmission line across Tract A and Lots 8 and 11. The following activities are prohibited within the transmission line easement:

- a. *Structures are not allowed on the easement. Structures, by way of example, not by limitation, shall mean buildings, sheds, mobile homes, signs, storage tanks, septic systems, swimming pools, tennis courts, basketball courts, gazebos or similar facilities.*
- b. *All vegetation on the easement shall not exceed a maximum height of 3 feet at maturity.*
- c. *Excavation is not permitted within 27 feet of any tower footings. A minimum of 30 feet of ground to conductor clearance must be maintained at all times.*
- d. *Wells and mining operations are not allowed within the easement.*
- e. *WAPA shall review fence plans affecting the easement area prior to installation. If fences are placed across the easement, 14-foot-wide gates are required for access along the easement.*
- f. *All improvement plans affecting the easement must be reviewed and approved by WAPA prior to development. Requests for permission to use the transmission line easement should be submitted to: Western Area Power*

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MILLS PLANNING & ZONING BOARD MEETING

Administration, Attn: Lands Department, 5555 East Crossroads Boulevard, Loveland, Colorado 80538.

- 6. All lots must show adequate buildable area:
 - a. Provide site plans showing buildable area, including the access drive, a shop/structure and parking area for proposed Lots 4, 5 & 6.

- 7. Submit organizational documents for Tetral Corporation of Casper, showing who is authorized to sign on behalf of the corporation.

- 8. Survey Review:
 - a. Change the label in the vicinity map to “Midway Subdivision” instead of “Property Location”
 - b. Verify the monument recovered at the CN1/16. The symbol indicates recovered corner as noted.
 - c. Provide the date(s) of survey in the Certificate of Surveyor
 - d. Add “An Addition to the City of Mills” under Midway Subdivision in the Title Block and across the face of the plat
 - e. There is no interior monumentation shown on the plat. All lot corner monuments shall be set now or after construction of infrastructure. Set and label or add a note to the plat face stating otherwise

- 9. Cosmetic Revisions to the Plat:
 - a. Remove the language in the lower right titled “Recorded”, that will go in the box in the upper right.
 - b. The surrounding property is labeled incorrectly. At the SW corner, it should be Lot 19, B&B Subdivision, not Lot 10.
 - c. The lot line is missing between Lots 12 & 13
 - d. Revise the Approval signatures:
 - i. Add the statement “Approved by the City Council of Mills, WY by Resolution No. ____, duly passed, adopted and approved this __ day of ____ 20__.”
 - ii. Revise the signature lines to Mayor, City Clerk and City Engineer
 - iii. Just have a signature line for the Clerk to attest the Mayor’s signature
 - iv. REMOVE the signature lines for the City of Casper.

Staff Recommendation: Staff recommends APPROVAL of the preliminary plat upon all preliminary planning considerations being completed. The applicant will then submit a Final Plat for review & consideration.

Chairman Gould thanked Megan and asked if there were any questions from the Board. Megan stated that one of the concerns with the previous version of the plat was the number of lots that were unbuildable, mainly because of easements or topography. Board Member Greenley made the suggestion that perhaps the applicant could tract the property into 4-5 10-acre lots, then as

MINUTES OF THE 6th OF APRIL 2023

MILLS PLANNING & ZONING BOARD MEETING

purchasers came, they could further subdivide down to the size they were needing. There was discussion about how much money would be spent installing the infrastructure to numerous smaller lots when you don't really know what potential purchasers are going to want. It could also help with the access issues and eliminate some infrastructure construction costs.

Steve Loftin, the developer, stated that he is way out ahead of putting anything up for sale right now and he doesn't have anyone in line to buy anything right now. They have planned out the utilities for the layout as it is now, and it will work. Bob stated that he would still suggest subdividing larger tracts and planning for minimal utilities. He thought the likelihood of someone coming in and wanting more than one of the very small lots is very high. Steve replied that his plan right now is to rent them out, versus selling.

There was general discussion about what can go underneath the WAPA powerlines, in that easement. It is pretty basic and limited to storage of movable items.

The lack of access to proposed Lot 8 and Tract A was discussed. There is only 30' of dedicated right of way touching this parcel from MJB Road, so they will need to provide an alternate access. Mr. Loftin stated that he owns all the property to the north. Megan stated that was good as it provides a way that the plat can be revised to allow MJB Road to continue through and provide the 60' of required right of way.

There was also discussion about water infrastructure. They are currently served by Wardwell, and Wardwell is going away by the end of the year. Bar Nunn is supposed to take over all Wardwell infrastructure, however, Mills will be taking over everything south of the highway, including serving this property. Lewis James, the applicant's agent, stated they had already approached Wardwell about servicing the new development and had preliminary approval. Megan asked that he send a copy of the letter or meeting minutes showing the approval.

A general discussion was had about the property and the future of Mills water system infrastructure. There is a hill on this property that is of good elevation for Mills to install a water storage tank in the future, if needed.

Chairman Gould then asked if there was any further discussion. There was none so she called for a motion. Board Member Bob Greenley made a motion to provide the City Council with a "Do Pass" recommendation for the preliminary plat for Midway Subdivision. Board Member Ed Greenwood seconded the motion. All voted in favor, motion carried.

There were no further agenda items for the evening. Staff then passed out a copy of pages from Title 17, the City's Zoning Code. He stated that Mike Roden had resigned from the commission, so the city needs to appoint someone to fill his unexpired term. In reviewing that process, City staff noted that none of the commission members had been re-appointed for a number of years,

MINUTES OF THE 6th OF APRIL 2023

MILLS PLANNING & ZONING BOARD MEETING

and all of them were serving in expired terms. The City would like to start following the requirements for appointment of commission members found in Title 17 and go through the appointment process each year. There was discussion on the application process, how long everyone has been on the commission, any qualifications to serve on the commission and transparency.

The commission stated they really would like someone from Council to come to a meeting occasionally. Megan said she would reach out to invite Mayor Juarez to the next regular meeting.

Kevin asked that everyone check their personal emails to ensure that the City still has their good addresses as staff is looking at providing monthly meeting informational packets via email. Ed stated he would still like to receive a paper packet.

With no further business, Chair Pattie Gould declared the meeting adjourned at 6:20 PM.

Pattie Gould, Chair

Attested: Christine Trumbull

ORDINANCE NO. 793

AN ORDINANCE AUTHORIZING THE VACATION AND REPLAT OF LOTS 1, 2, 3 & RESERVOIR TRACT, EVERGREEN PARK SUBDIVISION AND LOT 1, BLOCK 8, EVERGREEN PARK NO. 2, AND A PORTION OF SOUTH FIFTH AVENUE ADJACENT TO LOT 1, BLOCK 8, EVERGREEN PARK NO. 2 TO BE KNOWN AS SHAWVILLE ADDITION TO THE CITY OF MILLS, WYOMING

WHEREAS, the City of Mills is a municipal corporation under the laws of the State of Wyoming; and

WHEREAS, the City of Mills has received a request to Vacate and Replat all of Lots 1, 2, 3 & Reservoir Tract, Evergreen Park Subdivision and Lot 1, Block 8, Evergreen Park No. 2, and a portion of South Fifth Avenue adjacent to Lot 1, Block 8, Evergreen Park No. 2; and

WHEREAS, the City of Mills has determined that it is in the best interest of the City to vacate and replat Lots 1, 2, 3 & Reservoir Tract, Evergreen Park Subdivision and Lot 1, Block 8, Evergreen Park No. 2, and a portion of South Fifth Avenue adjacent to Lot 1, Block 8, Evergreen Park No. 2; and

WHEREAS, the City of Mills has determined that this vacation and replat of these lots will provide for a better use of the land, and is keeping with the proposed land use policies within the City and will conform with the Mills Comprehensive Plan of 2017; and

WHEREAS, the vacation and replat of the foregoing described lands as appears on this plat is with the free consent and in accordance with the desires of the above named owners and proprietors of said lands; the name of said vacation and replat shall be known as "SHAWVILLE ADDITION" to the City of Mills, Wyoming. All streets as shown hereon have previously been dedicated to the use of the public.

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

The vacation of replat of Lots 1, 2, 3 & Reservoir Tract, Evergreen Park Subdivision and Lot 1, Block 8, Evergreen Park No. 2, and a portion of South Fifth Avenue adjacent to Lot 1, Block 8, Evergreen Park No. 2, shall become effective upon the passage of this Ordinance.

PASSED ON FIRST READING the ____ day of _____ 2023

PASSED ON SECOND READING the ____ day of _____ 2023

PASSED, APPROVED AND ADOPTED ON THIRD AND FINAL READING the ____ day of _____ 2023

CITY OF MILLS, WYOMING

Leah Juarez, Mayor

Sara McCarthy, Council

Tim Sutherland, Council

Cherie Butcher, Council

Brad Neumiller, Council

ATTEST:

Christine Trumbull, City Clerk

RESOLUTION NO. 2023-7

A RESOLUTION ESTABLISHING RATES FOR AMBULANCE SERVICES FOR THE CITY OF MILLS, WYOMING

WHEREAS, the City of Mills desires to protect the safety and wellbeing of its citizens; and,

WHEREAS, the City of Mills operates ambulance and medical services for persons who are in need of emergency medical services and non-emergency attendant care; and

WHEREAS, the City incurs substantial cost in the operations of said ambulance and emergency medical services; and,

WHEREAS, it is the policy of the City that such services be paid for through fees charged to person, who used said services; and

WHEREAS, on a comparative basis, other ambulance services experience the same need to pay all those operating such services; and

WHEREAS, the Mayor and City Council of Mills feel the Emergency Medical Services rate should be changed to a more competitive rate to offset the cost of equipment; and

NOW, THEREFORE BE IT RESOLVED, the City of Mills hereby adopts the attached rates to be charged for ambulance and emergency services provided by the City of Mills, Wyoming.

Effective July 1, 2023, the Mills Fire Department will be increasing their ambulance rates. The current rates have been in effect since October 2017.

BLS Non-Emergency	\$ 1,150
BLS Emergency	\$ 1,380
ALS Non-emergency	\$ 1,495
ALS Emergency, Level 1	\$ 1,725
ALS Emergency, Level 2	\$ 2,185
Specialty Care Transport	\$ 2,300
Mileage	\$ 25/mile
Treat and Release	\$ 132.25 **
Event stand-by	\$ 110/hour

** Treat and Release runs are to only be charged if we have treated the patient at the ALS Level 1 or higher skill level, and have released the patient without transporting them. We

will not charge a treat and release fee if we do not meet the ALS Level 1 or higher criteria. **

ADOPTED DATED THIS _____ DAY OF _____, 2023.

Mayor, Leah Juarez

Councilman, Sara McCarthy

Councilman, Cherie Butcher

Councilman, Tim Sutherland

Councilman, Brad Neumiller

ATTEST:

City Clerk, Christine Trumbull

CERTIFICATE

I, Christine Trumbull, City Clerk, hereby certify that the foregoing Resolution 2023-7 was adopted by the city of Mills at a public meeting held on May 9th, 2023, and that the meeting was held accordingly to law; and that said Resolution has been duly entered in the record of the City of Mills.

City Clerk, Christine Trumbull

Ordinance 794

AN ORDINANCE GRANTING AN ELECTRIC UTILITY FRANCHISE AND GENERAL UTILITY EASEMENT TO ROCKY MOUNTAIN POWER

WHEREAS, Rocky Mountain Power, is a regulated public utility that provides electric power and energy to the citizens of Mills, Wyoming (the "City") and other surrounding areas;

WHEREAS, providing electrical power and energy requires the installation, operation and maintenance of power poles and other related facilities to be located within the public ways of the City;

WHEREAS, the City desires to set forth the terms and conditions by which Rocky Mountain Power shall use the public ways of the City;

NOW, THEREFORE, be it ordained by the City:

SECTION 1. Grant of Franchise and General Utility Easement. The City hereby grants to Rocky Mountain Power the right, privilege and authority to construct, maintain, operate, upgrade, and relocate its electrical distribution and transmission lines and related appurtenances, including underground conduits and structures, poles, towers, wires, guy anchors, vaults, transformers, transmission lines, and communication lines (collectively referred to herein as "Electric Facilities") in, under, along, over and across the present and future streets, alleys, and rights-of-way, not including City parks, buildings or other spaces not associated with City-owned rights-of-way (collectively referred to herein as "Public Ways") within the City, for the purpose of supplying and transmitting electric power and energy to the inhabitants of the City and persons and corporations beyond the limits thereof.

SECTION 2. Term. The term of this Franchise and General Utility Easement is for () years commencing on the date of acceptance by the Company as set forth in Section 3 below.

SECTION 3. Acceptance by Company. Within sixty (60) days after the passage of this ordinance by the City, Rocky Mountain Power shall file an unqualified written acceptance thereof, with the City Recorder otherwise the ordinance and the rights granted herein shall be null and void.

SECTION 4. Non-Exclusive Franchise. The right to use and occupy the Public Ways of the City shall be nonexclusive and the City reserves the right to use the Public Ways for itself or any other entity that provides service to City residences; provided, however, that such use shall not unreasonably interfere with Rocky Mountain Power's Electric Facilities or Rocky Mountain Power's rights as granted herein.

SECTION 5. City Regulatory Authority. In addition to the provision herein contained, the City reserves the right to adopt such additional ordinances and regulations as may be deemed necessary in the exercise of its police power for the protection of the health, safety and welfare of its citizens and their properties or exercise any other rights, powers, or duties required or authorized, under the Constitution of the State of Wyoming, the laws of Wyoming or City Ordinance.

SECTION 6. Indemnification. The City shall in no way be liable or responsible for any loss or damage to property or any injury to, or death, of any person that may occur in the construction, operation or maintenance by Rocky Mountain Power of its Electric Facilities. Rocky Mountain Power shall indemnify, defend and hold the City harmless from and against claims, demands, liens and all liability or damage of whatsoever kind on account of Rocky Mountain Power’s use of the Public Ways within the City, and shall pay the costs of defense plus reasonable attorneys’ fees for any claim, demand or lien brought thereunder. The City shall: (a) give prompt written notice to Rocky Mountain Power of any claim, demand or lien with respect to which the City seeks indemnification hereunder; and (b) permit Rocky Mountain Power to assume the defense of such claim, demand, or lien. If such defense is not assumed by Rocky Mountain Power, Rocky Mountain Power shall not be subject to liability for any settlement made without its consent. Notwithstanding any provision hereof to the contrary, Rocky Mountain Power shall not be obligated to indemnify, defend or hold the City harmless to the extent any claim, demand or lien arises out of or in connection with any negligent or willful act or failure to act of the City or any of its officers or employees.

SECTION 7. Annexation.

7.1 Extension of City Limits. Upon the annexation of any territory to the City, the rights granted herein shall extend to the annexed territory to the extent the City has such authority. All Electrical Facilities owned, maintained, or operated by Rocky Mountain Power located within any public ways of the annexed territory shall thereafter be subject to all of the terms hereof.

7.2 Notice of Annexation. When any territory is approved for annexation to the City, the City shall, not later than ten (10) working days after passage of an ordinance approving the proposed annexation, provide by certified mail to Rocky Mountain Power: (a) each site address to be annexed as recorded on county assessment and tax rolls; (b) a legal description of the proposed boundary change; and (c) a copy of the City’s ordinance approving the proposed annexation. The notice shall be mailed to:

Rocky Mountain Power
Attn: Annexations
P.O. Box 400
Portland, Oregon 97207-0400

With a copy to:

Rocky Mountain Power
Attn: Office of the General Counsel
1407 West North Temple, Room 320
Salt Lake City, UT 84116

SECTION 8. Plan, Design, Construction and Installation of Company Facilities.

8.1 All Electrical Facilities installed or used under authority of this Franchise shall be used, constructed and maintained in accordance with applicable federal, state and city laws, codes and regulations.

8.2 Except in the case of an emergency, Rocky Mountain Power shall, prior to commencing new construction or major reconstruction work in the Public Ways, apply for any permit from the City as may be required by the City’s ordinances, which permit shall not be unreasonably withheld, conditioned, or delayed. Rocky Mountain Power will abide by all applicable ordinances and all reasonable rules, regulations and requirements of the City, and the City may inspect the manner of such work and require remedies as may be reasonably necessary to assure compliance. Notwithstanding the foregoing, Rocky Mountain Power shall not be obligated to obtain a permit to perform emergency repairs.

8.3 All Electric Facilities shall be located so as to cause minimum interference with the Public Ways of the City and shall be constructed, installed, maintained, cleared of vegetation, renovated or replaced in accordance with applicable rules, ordinances and regulations of the City.

8.4 If, during the course of work on its Electrical Facilities, Rocky Mountain Power causes damage to or alters the Public Way or public property, Rocky Mountain Power shall (at its own cost and expense and in a manner reasonably approved by the City) replace and restore it in as good a condition as existed before the work commenced.

8.5 In addition to the installation of underground electric distribution lines as provided by applicable state law and regulations, Rocky Mountain Power shall, upon payment of all charges provided in its tariffs or their equivalent, place newly constructed electric distribution lines underground as may be required by City ordinance.

8.6 The City shall have the right without cost to use all poles and suitable overhead structures owned by Rocky Mountain Power within Public Ways for City wires used in connection with its fire alarms, police signal systems, or other public safety communication lines used for governmental purposes; provided, however, any such uses shall be for activities owned, operated or used by the City for a public purpose and shall not include the provision of CATV, internet, or similar services to the public. Provided further, that Rocky Mountain Power shall assume no liability nor shall it incur, directly or indirectly, any additional expense in connection

therewith, and the use of said poles and structures by the City shall be in such a manner as to prevent safety hazards or interferences with Rocky Mountain Power's use of same. Nothing herein shall be construed to require Rocky Mountain Power to increase pole size, or alter the manner in which Rocky Mountain Power attaches its equipment to poles, or alter the manner in which it operates and maintains its Electric Facilities. City attachments shall be installed and maintained in accordance with the reasonable requirements of Rocky Mountain Power and the current edition of the National Electrical Safety Code pertaining to such construction. Further, City attachments shall be attached or installed only after written approval by Rocky Mountain Power in conjunction with Rocky Mountain Power's standard pole attachment application process. Rocky Mountain Power shall have the right to inspect, at the City's expense, such attachments to ensure compliance with this Section 8.6 and to require the City to remedy any defective attachments.

8.7 Rocky Mountain Power shall have the right to excavate the Public Rights of Ways subject to reasonable conditions and requirements of the City. Before installing new underground conduits or replacing existing underground conduits, Rocky Mountain Power shall first notify the City of such work by written notice and shall allow the City, at its own expense (to include a pro rata share of the trenching costs), to share the trench of Rocky Mountain Power to lay its own conduit therein, provided that such action by the City will not unreasonably interfere with Rocky Mountain Power's Electrical Facilities or delay project completion.

8.8 Before commencing any street improvements or other work within a Public Way that may affect Rocky Mountain Power's Electric Facilities, the City shall give written notice to Rocky Mountain Power.

SECTION 9. Relocations of Electric Facilities.

9.1 The City reserves the right to require Rocky Mountain Power to relocate its Electric Facilities within the Public Ways in the interest of public convenience, necessity, health, safety or welfare at no cost to the City. Within a reasonable period of time after written notice, Rocky Mountain Power shall promptly commence the relocation of its Electrical Facilities. Before requiring a relocation of Electric Facilities, the City shall, with the assistance and consent of Rocky Mountain Power, identify a reasonable alignment for the relocated Electric Facilities within the Public Ways of the City. The City shall assign or otherwise transfer to Company all right it may have to recover the cost for the relocation work and shall support the efforts of Rocky Mountain Power to obtain reimbursement.

9.2 Rocky Mountain Power shall not be obligated to pay the cost of any relocation that is required or made a condition of a private development. If the removal or relocation of facilities is caused directly or otherwise by an identifiable development of property in the area, or is made for the convenience of a customer, Rocky Mountain Power may charge the expense of removal or relocation to the developer or customer. For example, Rocky Mountain Power shall

not be required to pay relocation costs in connection with a road widening or realignment where the road project is made a condition of or caused by a private development.

SECTION 10. Subdivision Plat Notification. Before the City approves any new subdivision and before recordation of the plat, the City shall obtain Rocky Mountain Power’s approval of Electrical Facilities, including underground facilities to be installed by the developer, and associated rights of way depicted on the plat. A copy of the plat shall be mailed for approval to Rocky Mountain Power:

Rocky Mountain Power
Attn: Estimating Department
2840 E Yellowstone HWY
Casper, WY 82609

SECTION 11. Vegetation Management. Rocky Mountain Power or its contractor may prune all trees and vegetation which overhang the Public Ways, whether such trees or vegetation originate within or outside the Public Ways to prevent the branches or limbs or other part of such trees or vegetation from interfering with Rocky Mountain Power’s Electrical Facilities. Such pruning shall comply with *the American National Standard for Tree Care Operation (ANSI A300)* and be conducted under the direction of an arborist certified with the International Society of Arboriculture. A growth inhibitor treatment may be used for trees and vegetation species that are fast-growing and problematic. Nothing contained in this Section shall prevent Rocky Mountain Power, when necessary and with the approval of the owner of the property on which they may be located, from cutting down and removing any trees which overhang streets.

SECTION 12. Compensation.

12.1 In consideration of the rights, privileges, and franchise hereby granted, Rocky Mountain Power shall pay to the City from and after the effective date of the acceptance of this franchise, percent (%) of its gross revenues derived from within the corporate limits of City. The term “gross revenue” as used herein shall be construed to mean any revenue of Rocky Mountain Power derived from the retail sale and use of electric power and energy within the municipal boundaries of the City after adjustment for the net write-off of uncollectible accounts and corrections of bills theretofore rendered. Notwithstanding any provision to the contrary, at any time during the term of this Franchise, the City may elect to increase the franchise fee amount as may then be allowed by state law. The City shall provide Rocky Mountain Power with prior written notice of such increase following adoption of the change in percentage by the City. The increase shall be effective sixty (60) days after City has provided such written notice to Rocky Mountain Power.

12.2 The franchise fee shall not be in addition to any other license, occupation, franchise or excise taxes or charges which might otherwise be levied or collected by the City from Grantee with respect to Grantee’s electric business or the exercise of this franchise within the corporate limits of the City and the amount due to the City under any such other license,

occupation, franchise or excise taxes or other charges for corresponding periods shall be reduced by deducting therefrom the amount of said franchise fee paid hereunder.

SECTION 13. Renewal. At least 120 days prior to the expiration of this Franchise, Rocky Mountain Power and the City either shall agree to extend the term of this Franchise for a mutually acceptable period of time or the parties shall use best faith efforts to renegotiate a replacement Franchise. Rocky Mountain Power shall have the continued right to use the Public Ways of the City as set forth herein in the event an extension or replacement Franchise is not entered into upon expiration of this Franchise.

SECTION 14. No Waiver. Neither the City nor Rocky Mountain Power shall be excused from complying with any of the terms and conditions of this Franchise by any failure of the other, or any of its officers, employees, or agents, upon any one or more occasions to insist upon or to seek compliance with any such terms and conditions.

SECTION 15. Transfer of Franchise. Rocky Mountain Power shall not transfer or assign any rights under this Franchise to another entity, except transfers and assignments by operation of law, or to affiliates, parents or subsidiaries of Rocky Mountain Power which assume all of Rocky Mountain Power's obligations hereunder, unless the City shall first give its approval in writing, which approval shall not be unreasonably withheld, conditioned or delayed; provided, however, Rocky Mountain Power may assign, mortgage, pledge, hypothecate or otherwise transfer without consent its interest in this Franchise to any financing entity, or agent on behalf of any financing entity to whom Rocky Mountain Power (1) has obligations for borrowed money or in respect of guaranties thereof, (ii) has obligations evidenced by bonds, debentures, notes or similar instruments, or (iii) has obligations under or with respect to letters of credit, bankers acceptances and similar facilities or in respect of guaranties thereof.

SECTION 16. Amendment. At any time during the term of this Franchise, the City through its City Council, or Rocky Mountain Power may propose amendments to this Franchise by giving thirty (30) days written notice to the other party of the proposed amendment(s) desired, and both parties thereafter, through their designated representatives, will, within a reasonable time, negotiate in good faith in an effort to agree upon mutually satisfactory amendment(s). No amendment or amendments to this Franchise shall be effective until mutually agreed upon by the City and Rocky Mountain Power and formally adopted as an ordinance amendment, which is accepted in writing by Rocky Mountain Power.

SECTION 17. Non-Contestability--Breach of Contract.

17.1 Neither the City nor Rocky Mountain Power will take any action for the purpose of securing modification of this Franchise before either the Public Service Commission or any Court of competent jurisdiction; provided, however, that neither shall be precluded from taking any action it deems necessary to resolve difference in interpretation of the Franchise nor shall Rocky Mountain Power be precluded from seeking relief from the Courts in the event Public

Service Commission orders, rules or regulations conflict with or make performance under the Franchise illegal.

17.2 In the event Rocky Mountain Power or the City fails to fulfill any of their respective obligations under this Franchise, the City, or Rocky Mountain Power, whichever the case may be will have a breach of contract claim and remedy against the other in addition to any other remedy provided by law, provided that no remedy which would have the effect of amending the specific provisions of this Franchise shall become effective without such action which would be necessary to formally amend the Franchise.

SECTION 18. Notices. Unless otherwise specified herein, all notices from Rocky Mountain Power to the City pursuant to or concerning this Franchise shall be delivered to the City Recorder's Office. Unless otherwise specified herein, all notices from the City to Rocky Mountain Power pursuant to or concerning this Franchise shall be delivered to the Regional Business Management Director, Rocky Mountain Power, 70 North 200 East, Room 122, American Fork, Utah, 84003, and such other office as Rocky Mountain Power may advise the City of by written notice.

SECTION 19. Severability. If any section, sentence, paragraph, term or provision hereof is for any reason determined to be illegal, invalid, or superseded by other lawful authority including any state or federal regulatory authority having jurisdiction thereof or unconstitutional, illegal or invalid by any court of common jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such determination shall have no effect on the validity of any other section, sentence, paragraph, term or provision hereof, all of which will remain in full force and effect for the term of the Franchise or any renewal or renewals thereof.

SECTION 20. Waiver of Jury Trial. To the fullest extent permitted by law, each of the parties hereto waives any right it may have to a trial by jury in respect of litigation directly or indirectly arising out of, under or in connection with this agreement. Each party further waives any right to consolidate any action in which a jury trial has been waived with any other action in which a jury trial cannot be or has not been waived.

PASSED by the City Council of the City of _____, Wyoming this ____ day of _____, 2023.

MAYOR

ATTEST:

CITY RECORDER