



**CITY COUNCIL AGENDA
CITY COUNCIL CHAMBERS
201 E. 5TH ST.
Tuesday, July 1, 2025
6:00 PM**

A. CALL TO ORDER

B. INVOCATION AND PLEDGE OF ALLEGIANCE

1. Invocation and Pledge of Allegiance led by Reverend Phil Jones of Roadway Alliance Church.

C. APPROVAL OF GENERAL AGENDA

D. APPROVAL OF CONSENT AGENDA

Items listed on the Consent Agenda are considered to be routine and will be enacted by one motion in the form listed below. There will be no separate discussion of these items unless a member of Council so requests, in which case, the item will be removed from the Consent Agenda and considered on the Regular Agenda.

1. Regular Meeting Minutes - June 17, 2025
Executive Session Meeting Minutes - June 17, 2025

2. Bills and Claims

Staff Reference: Michelle Henderson, Finance Director

E. APPROVAL OF CONFLICT CLAIMS

1. Mayor Lundvall - \$74,990.40

Staff Reference: Michelle Henderson, Finance Director

F. COMMENTS

Council:

Liaison:

Written:

Other - Comments:

Recognition of Outgoing Board Members

~ Angi Klamm, Parks & Beautification Board

~ Robert Henning, Gillette Historic Preservation Commission

Staff Reference: Michael H. Cole, City Administrator

G. PROCLAMATIONS / PRESENTATIONS

1. Things to Know Video for July, 2025

Staff Reference: VIDEO - Jennifer Toscana, Public Affairs Director

2. Campbell County Health EMS Presentation - Shane Kirsch

Staff Reference: Michael H. Cole, City Administrator

H. UNFINISHED BUSINESS

I. NEW BUSINESS

1. Council Consideration of a Special Event Permit on 3rd Street Plaza on August 5, 2025, from 3:00 p.m. to 9:00 p.m. for a National Night Out Event, requested by the City of Gillette.

Staff Reference: MAP - Jennifer Toscana, Public Affairs Director

2. Council Consideration for the Acceptance of Public Improvements for the Fleet Crew Room Renovation Project, Completed by Norton Construction, in the amount of \$54,140.00

Staff Reference: Sawley Wilde, Public Works Director

3. Council Consideration of Amendment No. 2 to a Professional Services Agreement for Construction Management Services Associated with the Wastewater Treatment Plant Headworks Replacement Project, with HDR, Inc., in the Amount of \$381,063.00.

Staff Reference: MAP - Ry Muzzarelli, P.E., Development Services Director

4. Council Consideration to Award the City Hall Chiller Plant Replacement Project to APEX Mechanical in the amount of \$550,564.00.

Staff Reference: Sawley Wilde, Public Works Director

5. Council Consideration of a Resolution Approving and Authorizing the Resubdivision of Lot 1 and a Portion of Lot 2 of Block 13, Daly Addition To Be Known As Lots 1A & 1B of Block 13, Daly Addition; to the City of Gillette, Wyoming, Subject to all Planning Requirements. (Planning Commission Vote: 6/0)

Staff Reference: MAP - Ry Muzzarelli, P.E., Development Services Director

6. Council Consideration of a Resolution Approving and Authorizing the Resubdivision of Lot 2 of the Devon Addition to be known as Lots 2A and 2B of the Devon Addition; to the City of Gillette, Wyoming, Subject to all Planning Requirements. (Planning Commission Vote: 6/0)

Staff Reference: MAP - Ry Muzzarelli, P.E., Development Services Director

7. ORDINANCE 1ST READING

Council Consideration of an Ordinance to Amend Chapter 18, Sections 18-2 through 5, 18-7 through 11, 18-20 through 22 of the Gillette City Code.

Staff Reference: Ry Muzzarelli, P.E., Development Services Director

8. ORDINANCE 1ST READING

Council Consideration of an Ordinance to Amend Chapter 7, Sections 7-1 through 5, 7-17, 7-18, 7-20 and 7-29 of the Gillette City Code.

Staff Reference: Ry Muzzarelli, P.E., Development Services Director

9. APPOINTMENTS

Appointments to Citizen Advisory Boards

~ Campbell County Joint Powers Fire Board - Two (2) Terms Expiring on June 30, 2028

~ Campbell County Public Land Board - One (1) Term Expiring on June 30, 2028

~ Board of Adjustment - One (1) Term Expiring on June 30, 2028

~ Parks & Beautification Board - Three (3) Terms Expiring on June 30, 2028

~ Planning Commission - Two (2) Terms Expiring on June 30, 2028

~ Investment Advisory Committee - One (1) Term Expiring on June 30, 2028

~ Personnel Review Board - One (1) Term Expiring on June 30, 2028 and One (1) Partial Term Expiring June 30, 2026

Staff Reference: Michael H. Cole, City Administrator

J. PUBLIC HEARINGS AND CONSIDERATIONS

- 1. A Public Hearing for Adoption of the City of Gillette 2025 Integrated Resource Plan for the United States Department of Energy, Western Area Power Administration, Rocky Mountain Region.**
- 2. Council Consideration of a Resolution to Approve the City of Gillette 2025 Integrated Resource Plan and Submit to the United States Department of Energy Western Area Power Administration, Rocky Mountain Region.**

Staff Reference: Joff Pilon, P.E., Utilities Director

K. PUBLIC COMMENT

The purpose of Public Comment is for the Council to receive thoughts, suggestions, and concerns from our citizens. To this end, the Council will not engage in any discussion with individuals presenting Public Comment; nor will the Council engage in discussion amongst itself during the Public Comment Period. The reason for this is to treat each presenter and the ideas presented with due respect. Many of the ideas presented will require time for careful consideration, review, and discussion with City Staff. After such time, the Council may respond to matters raised during Public Comment at an appropriate time and setting.

- 1. Council Meeting Safety & Public Meeting Rules.**

Staff Reference: Michael H. Cole, City Administrator

L. ADMINISTRATOR'S REPORT

M. EXECUTIVE SESSION

N. ADJOURNMENT



**CITY OF GILLETTE
CITY COUNCIL**

DATE: **July 1, 2025**

TITLE:

Invocation and Pledge of Allegiance led by Reverend Phil Jones of Roadway Alliance Church.



**CITY OF GILLETTE
CITY COUNCIL**

DATE: **July 1, 2025**

TITLE:

Regular Meeting Minutes - June 17, 2025
Executive Session Meeting Minutes - June 17, 2025

ATTACHMENTS:

[06/17/2025 Regular Meeting](#)

A regular meeting of the City Council was held on Tuesday the 17th day of June 2025, in the City Hall Council Chambers.

Present were Councilmembers Smith, McLeland, Gross, Carsrud, Clary (via teleconference), West, and Mayor Lundvall; City Administrator Cole; City Attorney Brown; Chief of Police Deaton; Directors Henderson, Muzzarelli, Pilon, Toscana, and Wilde; Parks Manager Kuntz; Finance Manager Richert; City Clerk Allen and Deputy City Clerk Clymer.

Invocation and Pledge of Allegiance

The Invocation and Pledge of Allegiance was led by Pastor Phil Jones of Roadway Alliance Church.

Approval of General Agenda

Councilmember West made a motion to approve the General Agenda; seconded by councilmember Smith. All voted aye. The motion carried.

Approval of Consent Agenda

Minutes

Regular Meeting Minutes – June 3, 2025

Special Meeting Minutes – June 9, 2025

Ordinance 3rd Reading

ORDINANCE NO. 4063

AN ORDINANCE APPROVING AND AUTHORIZING THE VACATION OF A 10-FOOT-WIDE GAS EASEMENT ON LOT 19B, BLOCK 6, OF THE RESUBDIVISION OF LOT 19, BLOCK 6 FIRST ADDITION SUBDIVISION; TO THE CITY OF GILLETTE, WYOMING, SUBJECT TO ALL PLANNING REQUIREMENTS.

Bills and Claims

120 Water Audit Inc, 46,893.10; Adobe Systems Inc, 178.22; Agosto Holdings, LLC, 3,369.03; Alfa Laval Ashbrook Simon-Hartley Inc, 5,453.65; AlSCO, 1,332.76; Altec Industries Inc, 1,428.42; American Track Generations LLC, 1,178.40; American Welding & Gas Inc, 39.86; Anixter Power Solutions, 1,554.02; Antelope Ridge Crn LLC, 69.15; Armendariz, Jorge, 74.58; Armer, Dan, 0.73; Atlas Office Products, 2,730.71; B & H Photo Video Pro-Audio, 4,664.00; Beacon Athletics LLC, 303.00; Bear Communications Inc, 328.00; Big Horn Tire Inc, 210.65; Bighorn Hydraulics Inc, 413.27; Bighorn Mountain Electric LLC, 3,131.09; Black Cat Construction LLC, 880.00; Black Hills Energy, 9,672.19; Black Hills Wyoming LLC, 4,505.36; Blakeman, Lea, 29.97; Blue Cross Blue Shield of Wyoming, 108,285.36; Blue Cross Blue Shield of Wyoming, 103,780.25; Blue Cross Blue Shield of Wyoming, 62,027.62; Border States Electric, 14,767.37; Bosquez, Angela, 145.38; Briana Balcom, 100.00; Brown, Alana, 153.92; Cabral, Joanna, 376.13; Campbell County Joint Powers Fire Board, 703,861.25; Campbell County Landfill, 91,472.25; Campbell County Weed and Pest, 207.74; Car-Knack Inc, 10,902.00; CBH Co-Op, 1,514.95; CDW Government Inc, 6,856.68; CenturyLink, 3,013.50; Certified Laboratories, 418.30; Charter Media, 1,299.00; Churches, Brooklin & Dustin, 80.68; City Clerk Office, 8,850.23; City Of Gillette - Petty Cash, 74.50; Collins, Nikki, 69.39; Colter Merrell, 505.00; Comptroller Of Public Accounts, 176.19; Consolidated Engineers Inc, 6,624.00; Convergeone Inc, 75,685.40; Cooperative Personnel Services, 2,065.00; Core & Main, 5,234.68; Crestview Improvement & Service District, 7.50; Crum Electric Supply Company, 2,275.12; Cummins Rocky Mountain Inc, 13,241.83; Cupples, Patrick, 142.98; Dads Truck and Auto LLC, 187.04; Damian, Jordan, 118.32; Dan Hart Patrol Service, LLC, 61,014.65; Danny Westervelt, 1,320.00; David Harrison Holmes, 1,000.00; David Strickland, 105.78; Deitz, Caitlan, 158.20; Dictationstore.Com, 15,680.00; Dowl LLC, 12,625.80; DRM Inc, 336,541.64; Dykes, Morgan, 16.94; EarthChannel Communications Inc, 9,995.00; Eaton Sales & Service LLC, 1,467.15; Edi Mendoza, 33,365.00; Energy Laboratories Inc, 926.10; Espinal, Valentin Nava, 146.28; Evans, Anita, 145.16; Faith Rushton, 100.00; Falcon Environmental Corporation, 1,506.18; Farmer Brothers Company, 785.58; Ferguson Enterprises, Inc #1116, 9,325.00; First American Title, 3,070.00; First National Bank of Gillette, 15,739.19; First Northern Bank of Wyoming, 20,573.95; First State Bank, Division of Glacier Bank, 3,211.30; FlagShooter LLC, 333.57; Frandson Safety Inc, 60.00; G & R Controls Inc, 3,468.00; Garcia, Brianna, 37.17; Garratt Callahan Company, 730.00; Geo Jobe GIS Consulting, 2,500.00; Gillette Contractors Supply Inc, 22,612.90; Gillette Steel Center, 1,807.00; Goetz, Kevin, 26.71; Goff, Riley, 37.35; Gomez-Lucas, Marleny, 132.40; Greiner Motor Company, 897.60; Gurganus, Joseph, 175.30; Harner, Chantel, 18.57; HDR Engineering Inc, 112,611.66; HealthEquity, Inc., 2,494.98; HealthEquity, Inc., 884.88; HealthEquity, Inc., 2,836.94; HealthEquity, Inc., 234.00; Hector Fuentes, 11,700.00; Heidi Conlon, 39.97; Heritage Bank, 11,000.00; Hester, Jeffrey, 31.57; High Glass Window Cleaners Inc, 305.00; Hillyard Inc, 687.60; Hladky

Construction, 226,204.10; Home Fire Foods, 60.00; Hot Iron, 156,745.14; Hub International Mountain States Limited, 100.00; Hub International Mountain States Limited, 100.00; Ingram, Samantha, 193.45; Interstate Engineering, Inc, 25,309.25; Jack's Truck Center Inc, 17.50; Jerri Mcglothlin, 100.00; Jessica Navarro, 99.99; Joe Johnson Equipment, LLC, 1,580.74; Joe Schoel, 74.00; KLJ Engineering LLC, 16,352.19; Koen Teeter, 74.47; Lap Pacific Enterprises, LLC, 24.00; Lawson Products, Inc., 56.46; Leclair, Jace, 33.40; Lewis, Molly, 145.79; Long's Plumbing & Heating Inc, 3,601.33; Love, Patrick, 28.18; Mader, Felicity, 68.78; Marquard, Haili, 115.61; McFarlin, Ashley, 96.34; McKim, Cody, 59.73; MCM General Contractors, 93,887.65; Michael Cole, 165.34; Midland Implement Co Inc, 2,137.14; Milholland, Wendy, 309.53; Mills, Matthew, 15.30; Mimran, Brenda, 149.64; Misty L. Griffiths-Tompsett, 150.00; Morrison Maierle Inc, 48,843.42; Mountain Peaks Diagnostics, LLC, 83.80; Newman Signs Inc, 3,652.62; News Record, 7,814.21; Norco Inc, 3,909.42; Norton, Doug, 160.24; Online Information Services Inc, 320.08; Overhead Door Co of Gillette, 155.00; Paintbrush Sewer & Drain, 265.00; Partson LLC, 1,990.93; Paulette Taber, 100.00; PCA Engineering Inc, 31,868.95; Peters, Nicole, 112.19; Petty, Bryce, 148.74; Pilot Water Solutions LLC, 187.06; Planet Home Lending, LLC, 54.87; Plant Shack, 842.63; Ponce, Elizabeth, 135.30; Postal Pros Southwest Inc, 4,484.06; Powder River Construction, 145,492.45; Powder River Heating & Conditioning Corporation, 3,558.98; Price, Colleen, 142.63; Pro Force Law Enforcement, 1,525.90; ProElectric Inc, 1,220.92; Prospect Construction Inc., 209,000.00; Razor City Rental, 18.08; Rescue Phone Inc., 1,750.00; Rich, Bret, 167.08; Rms Instrument & Electrical, LLC, 44,020.85; Rocked Co LLC, 525.00; Ron Turley Associates Inc, 3,840.00; Russell, Alisha, 146.04; RVE, Inc, 10,018.21; Rylee Rodgers, 100.00; Schmidt, Tia, 162.62; Scott Brothers Inc, 805.00; Security State Bank, 8,249.75; Shones, Aidan, 179.79; Simon Contractors, 173,775.11; Simpson's Printing, 270.00; Smarsh Inc., 22.17; Southern Computer Warehouse, 2,480.50; Southern Folger Detention, 1,975.32; Spencer Fluid Power, 153.60; State Of Wyoming Office of The Attorney General, 40.00; Strauser, Monica, 147.23; Structural Dynamics LLC, 17,630.30; Stuart C. Irby Co, 2,036.64; Tami Waldner, 60.00; Team Laboratory Chemical, LLC, 189.25; Terry Sjolín, 1,125.00; That Embroidery Place, 2,736.84; Thomson West, 774.76; Topaz Rental Prop LLC, 152.23; Torgerson's, LLC, 3,954.67; United Central Industrial Supply Co, 45.04; Verizon Wireless, 11,331.28; Visionary Communications, 1,092.96; Warne Chemical & Equipment Co, 1,061.64; Wesco Distribution Inc, 793.76; Wesco Receivables Corp, 14,500.33; West Construction LLC, 2,500.00; Westerhausen, Christopher, 122.81; Western Stationers, 930.74; Western Waste Solutions Inc, 6,567.00; Wilcox, Mitchell, 154.69; Winters, Candace, 50.20; Wolff, Ray & Phyllis, 11.47; Wood, Brynn, 45.11; WWC Engineering, 16,809.25; Wyodak Resources Development Corp, 45,396.56; Wyoming Department of Agriculture, 50.00; Wyoming Machinery Co, 2,132.82; Wyoming State Revenue and Tax, 114,943.79; Wyoming Water Solutions, 182.97

Councilmember Gross made a motion to approve the Consent Agenda; seconded by councilmember Smith. All voted aye. The motion carried.

Comments

Council

Councilmember West complimented the City's Parks department on their efforts to keep the grass cut.

Councilmember Gross reported that she and Mayor Lundvall recently attended the Wyoming Association of Municipalities Conference, where they participated in sessions on topics including Economic Opportunity Zones, agricultural and rural infrastructure investments, and increased funding for WYDOT. Gross shared a free community resource, Wyotax.org, that offers valuable tax information that she learned about while attending a Tax Panel. Additionally, she had the opportunity to tour the Wyoming Liquor Division.

Liaison Reports

Councilmember West attended the Land Board meeting in lieu of councilmember Gross. West stated that the Cam-Plex will be celebrating their 40th anniversary and will have a party on August 15th and 16th. West added that the Cam-Plex would appreciate the community sharing memories they have with them prior to the event, as long as donations and sponsorships for the upcoming events.

Councilmember McLeland reported that he attended the Fire Board meeting, during which the Board voted on the final budget.

Written Comments

City Clerk Allen stated that Rolf Arands wrote in opposition to additional funds going to Verdunity and Laurie Geiser wrote in support of funding Gillette Reproductive Health.

Proclamations / Presentations

Janie Kuntz, Park Manager and Katherin Galloway, Parks Board Member, presented information regarding the importance of pollinator plants in the ecosystem. Mayor Lundvall then proclaimed June 17, 2025, as Pollinator Day.

Unfinished Business

Ordinance 3rd Reading

ORDINANCE NO. 4064

AN ORDINANCE TO AMEND CHAPTER 14, SECTION 14-33 OF THE GILLETTE CITY CODE TO ACCOUNT FOR THE WYOMING REPEAL GUN FREE ZONES ACT.

Council President Carsrud made a motion to approve the foregoing Ordinance on third and final reading; seconded by councilwoman Gross. Council President Carsrud then made a motion to amend the Ordinance to adopt Version A to allow open and concealed carry; seconded by Councilmember Smith. Councilmembers McLeland, Gross, West, and Mayor Lundvall voted nay on the proposed amendment while councilmembers Clary, Smith, and Carsrud voted aye. The motion failed.

The mayor and council then voted on the original motion to approve Version B. Council members Carsrud, McLeland, Gross, Smith, West, and Mayor Lundvall voted aye. Councilmember Clary voted nay. The motion carried to proceed with Version B of the Ordinance to allow concealed carry only.

New Business

Minute Action

Councilmember Carsrud made a motion to approve a Special Event and Open Container Permit on July 4th, 2025, from 7:00 a.m. to 8:00 p.m. for a 4th of July Celebration, requested by American Legion Post #42; seconded by councilmember Gross. All voted aye. The motion carried.

Councilmember West made a motion to approve a Special Event Permit on September 20th, 2025 from 12:15 p.m. to 12:45 p.m. for a Walking Prayer event, requested by Saint Matthews Church; seconded by councilmember Smith. All voted aye. The motion carried.

RESOLUTION NO. 2909

A RESOLUTION APPROVING AND AUTHORIZING THE RESUBDIVISION PLAT OF TRACT P OF MOON MEADOWS ESTATES NO. 3, TO BE KNOWN AS TRACT P-1 OF THE RESUBDIVISION OF TRACT P MOON MEADOW ESTATES NO. 3; TO THE CITY OF GILLETTE, WY

Councilmember West made a motion to approve the foregoing Resolution; seconded by councilmember McLeland. City Administrator Cole explained that this is a resubdivision for ownership purposes. All voted aye. The motion carried.

RESOLUTION NO. 2910

A RESOLUTION APPROVING AND AUTHORIZING THE TUCKER SUBDIVISION TO BE KNOWN AS LOT 1 OF TUCKER SUBDIVISION; TO THE CITY OF GILLETTE, WYOMING, SUBJECT TO ALL PLANNING REQUIREMENTS. (PLANNING COMMISSION VOTE: 6/0)

Council President Carsrud made a motion to approve the foregoing Resolution; seconded by councilmember Gross. All voted aye. The motion carried.

Public Hearings and Considerations

Mayor Lundvall opened a Public Hearing to consider Amendments to the Gillette City Budget for FY2024-2025. Hearing none, Mayor Lundvall closed the Public Hearing.

RESOLUTION NO. 2911

A RESOLUTION TO APPROVE AMENDMENTS TO THE GILLETTE CITY BUDGET FOR FY2024-2025.

Councilmember West made a motion to approve the foregoing Resolution; seconded by councilmember McLeland. All voted aye. The motion carried.

Mayor Lundvall opened a Public Hearing to consider the Gillette City Budget for FY2025-2026. The following members of the community spoke in favor of maintaining the \$30,000.00 allocation to Gillette Reproductive Health: Tricia Simonson, Sherri England, Terry Sjolin, Katherine Shahan, Vicki Swenson, Laurin Hardy, Heidi Kennedy, Mailyn Kennedy, Colin Vesper, and Julie Price-Carroll. Patricia Collins spoke in opposition to funding Gillette Reproductive Health. Mayor Lundvall then closed the Public Hearing.

ORDINANCE NO. 4065

AN ORDINANCE PROVIDING FOR THE ANNUAL APPROPRIATION OF MONEY FOR THE MAINTENANCE OF THE CITY OF GILLETTE, WYOMING FOR FY2025-2026

Councilmember Gross made a motion to approve the foregoing Ordinance on third and final reading; seconded by councilmember West. Following the motion, Mayor Lundvall delivered a statement condemning violence, intimidation and harassment based on political differences, and spoke about reaching a compromise aimed at reducing abortion referrals while recognizing the vital health services Gillette Reproductive Health provides.

A motion to amend was made by Council President Carsrud and seconded by councilmember West to reinstate the \$30,000 funding allocation to Gillette Reproductive Health, contingent upon the following conditions:

1. GRH may not use allocated funds for any purpose directly or indirectly promoting abortion to be utilized as a method of family planning.
2. GRH must not deposit the allocated funds into its general fund, rather, they must maintain a separate holding for the allocated funds.
3. GRH must itemize and account for each expenditure of the allocated funds such that it can demonstrate that the allocated funds are not being utilized directly or indirectly for abortion purposes.
4. GRH must ensure that no materials or website links appear on its website that promote abortion services such as Power to Decide or similar websites.
5. Neither GRH nor any agent acting on behalf of GRH may make referrals for abortion services.

Councilmember West voiced his support for the amendment. Councilmember Gross noted that the City of Gillette has provided a total of \$885,000.00 in funding to GRH over the years. She raised concerns about whether the amendment complies with HIPAA regulations. Attorney Brown confirmed that the amendment does not violate HIPAA laws. Councilmember McLeland explained that the community has expressed overall support for funding GRH and shared his support for the amendment. Council members Carsrud, McLeland, Gross, West, and Mayor Lundvall voted aye. Councilmember Clary and Smith voted nay. The motion to amend carried.

The mayor and council then proceeded to vote on the original motion to approve the Ordinance as amended. Council members Carsrud, McLeland, Smith, Gross, West, and Mayor Lundvall voted aye. Councilmember Clary voted nay. The motion carried.

Councilmember Smith made a motion to repeal Resolution 2906 to reduce the previously approved 5.5% funding allocation back to 5%, allowing the reduction to be applied proportionally across all agencies receiving 1% funding; seconded by councilmember Clary. Administrator Cole explained that, if passed, it would reduce all 1% funded agencies by \$67,000.00. Council members Carsrud, McLeland, Gross, West, and Mayor Lundvall voted nay. Councilmember Clary and Smith voted aye. The motion failed.

Public Comment

Tricia Simonson emphasized that setting off fireworks is illegal and voiced concern for both individuals battling PTSD and animals who are both affected by the noise.

Katherine Poynter expressed her opposition to the City of Gillette funding Verdunity.

Rolf Arands thanked the council for their hard work and requested that the budget be available to the public come next Fiscal Year's budget consideration.

Vicki Swenson complimented the officers of the Gillette Police Department for their presence and calm demeanor during the weekend's "No Kings" protest.

Ben Decker asked why the City Council conducts three readings of the City Budget if no changes are being made.

Julie Price-Carroll thanked the City Council members for voting to continue funding Gillette Reproductive Health.

Administrator's Report

Administrator Cole announced that the new Fiscal Year will begin on July 1, 2025, and the next regularly scheduled meeting will also be on July 1st.

Executive Session

Councilmember Gross made a motion to enter into Executive Session for Personnel Pursuant to W.S. 16-4-405(a)(ii) and Legal Advice Pursuant to W.S. 16-4-405(a)(ix) and 16-4-405(a)(x); seconded by councilmember West. All voted aye. The motion carried.

Adjournment:

There being no further business to come before the Council, the meeting was adjourned at 7:35 p.m. The meeting can be viewed on the City’s website, www.gillettewy.gov/gpa. The next regularly scheduled meeting will be held on Tuesday, July 1, 2025, in the City Hall Council Chambers.

(S E A L)
ATTEST:

Shay Lundvall, Mayor

Alicia Allen, City Clerk
Publication Date: June 24, 2025



**CITY OF GILLETTE
CITY COUNCIL**

DATE: July 1, 2025

TITLE:

Bills and Claims

SUGGESTED ACTION:

I move that the bills and claims, excepting any and all conflict claims, be approved.

STAFF REFERENCE:

Michelle Henderson, Finance Director

ATTACHMENTS:

[Bills and Claims](#)

[Bills and Claims - Prepaids](#)

[Wire Transfers](#)

Expenditure Approval Report

Check Approval Date of 07/01/2025



Invoice Number	Invoice Description	Amount
001-GENERAL FUND		
00-UNDEFINED		
00-UNDEFINED		
4555-ATLAS OFFICE PRODUCTS		
191350	OFFICE SUPPLY INVENTORY	1,237.44
191352	OFFICE SUPPLY INVENTORY	57.08
191353	OFFICE SUPPLY INVENTORY	2,892.24
	VENDOR TOTAL:	4,186.76
1276-CAMPBELL COUNTY JOINT POWERS FIRE BOARD		
191172	CCFD EQUIPMENT REIMBURSEMENT	3,302.60
	VENDOR TOTAL:	3,302.60
77777-MISC ONE TIME VENDOR		
191341	REFUND LANDSCAPE DEPOSIT	20,500.00
	VENDOR TOTAL:	20,500.00
1511-NORCO INC		
191408	OFFICE SUPPLY INVENTORY	145.43
191410	OFFICE SUPPLY INVENTORY	302.64
191413	OFFICE SUPPLY INVENTORY	534.62
191415	OFFICE SUPPLIES INVENTORY	397.88
191416	OFFICE SUPPLY INVENTORY	873.36
191418	OFFICE SUPPLY INVENTORY	162.63
	VENDOR TOTAL:	2,416.56
2300-WESTERN STATIONERS		
191451	OFFICE SUPPLY INVENTORY	202.50
191452	OFFICE SUPPLY INVENTORY	326.80
191453	OFFICE SUPPLY INVENTORY	508.00
191454	OFFICE SUPPLY INVENTORY	163.45
	VENDOR TOTAL:	1,200.75
	DIVISION TOTAL:	31,606.67
	DEPARTMENT TOTAL:	31,606.67

Expenditure Approval Report
Check Approval Date of 07/01/2025



	Invoice Number	Invoice Description	Amount
001-GENERAL FUND			
10-ADMINISTRATION			
01-MAYOR & COUNCIL			
5147-LAP PACIFIC ENTERPRISES, LLC			
	191246	CHILDREN'S MEMORIAL TABLECLOTHS CLEANING	24.00
	191247	CHILDREN'S MEMORIAL TABLECLOTHS CLEANING	24.00
		VENDOR TOTAL:	48.00
1882-THOMAS A FORD			
	191144	GARDEN BRICK	35.00
		VENDOR TOTAL:	35.00
		DIVISION TOTAL:	83.00
02-ADMINISTRATION			
5555-MISC EMPLOYEE VENDOR			
	191304	TRAVEL REIMBURSEMENT	191.50
		VENDOR TOTAL:	191.50
		DIVISION TOTAL:	191.50
04-SPECIAL PROJECTS			
1572-ARETE DESIGN GROUP			
	191227	CITY HALL SPACE STUDY RENOVATIONS	41,475.84
		VENDOR TOTAL:	41,475.84
1285-CAMPBELL COUNTY PUBLIC LAND BOARD COMPLEX			
	191273	FY24/25 MOU FUNDING #2	10,596.23
	191274	FY24/25 CAPITAL REQUEST #4	307,616.97
		VENDOR TOTAL:	318,213.20
4228-RMS INSTRUMENT & ELECTRICAL, LLC			
	191031	CAMERAS CITY POOL	696.68
		VENDOR TOTAL:	696.68
		DIVISION TOTAL:	360,385.72
		DEPARTMENT TOTAL:	360,660.22

Expenditure Approval Report

Check Approval Date of 07/01/2025



	Invoice Number	Invoice Description	Amount
001-GENERAL FUND			
15-ATTORNEY			
15-ATTORNEY			
2583-BEST BEST & KRIEGER LLP			
	191214	PROFESSIONAL SERVICES	7,864.00
		VENDOR TOTAL:	7,864.00
		DIVISION TOTAL:	7,864.00
		DEPARTMENT TOTAL:	7,864.00

Expenditure Approval Report
Check Approval Date of 07/01/2025



Invoice Number	Invoice Description	Amount
001-GENERAL FUND		
20-HUMAN RESOURCES		
20-HUMAN RESOURCES		
4458-EMPLOYMENT TESTING CENTER OF WYOMING		
191171	POC AND EBT	453.00
	VENDOR TOTAL:	453.00
4305-STERLING INFOSYSTEMS, INC		
191121	TECHNICAL SERVICES	1,196.85
	VENDOR TOTAL:	1,196.85
	DIVISION TOTAL:	1,649.85
21-SAFETY		
2481-CAMPBELL COUNTY PUBLIC HEALTH		
191004	SAFETY SUPPLIES	65.00
191005	SAFETY SUPPLIES	65.00
	VENDOR TOTAL:	130.00
	DIVISION TOTAL:	130.00
	DEPARTMENT TOTAL:	1,779.85

Expenditure Approval Report

Check Approval Date of 07/01/2025



	Invoice Number	Invoice Description	Amount
001-GENERAL FUND			
25-FINANCE			
26-CUSTOMER SERVICE			
1898-ONLINE UTILITY EXCHANGE			
	191168	ONLINE UTILITY EXCHANGE REPORT	320.08
		VENDOR TOTAL:	320.08
3369-POSTAL PROS SOUTHWEST INC			
	191136	PRINT & MAIL UTILITY BILLS, REMINDS, DISCONNECTS	1,515.35
		VENDOR TOTAL:	1,515.35
2300-WESTERN STATIONERS			
	191450	CUSTOMER SERVICE * KERSTYN	2.91
		VENDOR TOTAL:	2.91
		DIVISION TOTAL:	1,838.34
34-INFORMATION TECHNOLOGY			
4893-ADVANCED NETWORK MANAGEMENT INC			
	191342	IT * VMWARE * MIKE P	54,720.00
		VENDOR TOTAL:	54,720.00
1358-CENTURYLINK			
	191072	LONG DISTANCE SERVICE	150.15
		VENDOR TOTAL:	150.15
4149-CONVERGEONE INC			
	191069	CISCO SMARTNET	4,887.06
		VENDOR TOTAL:	4,887.06
1522-CUES INC			
	191129	CUES ESRI UPGRADE	4,680.00
		VENDOR TOTAL:	4,680.00
1634-DLT SOLUTIONS LLC			
	191393	IT * AUTOCAD SUBSCRIPTION * MIKE P	10,574.52
		VENDOR TOTAL:	10,574.52
3976-GRANICUS LLC			
	191113	OPENFORMS UPGRADE WITH SSO	1,821.92
		VENDOR TOTAL:	1,821.92

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	Invoice Number	Invoice Description	Amount
001-GENERAL FUND			
25-FINANCE			
34-INFORMATION TECHNOLOGY			
1313-MOTOROLA			
	191071	SPILLMAN ARCGIS PRO MIGRATION	9,861.89
		VENDOR TOTAL:	9,861.89
2179-TYLER TECHNOLOGIES INC			
	191070	TYLER TECHNOLOGIES TCM EERP & ENERGОВ	542,410.03
	191128	UB FORM CHANGE	350.00
		VENDOR TOTAL:	542,760.03
2222-VERIZON WIRELESS			
	191130	AVL DATA	1,855.83
		VENDOR TOTAL:	1,855.83
4988-ZOHO CORPORATION			
	191073	OPS MANAGER	5,820.00
		VENDOR TOTAL:	5,820.00
		DIVISION TOTAL:	637,131.40
		DEPARTMENT TOTAL:	638,969.74

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Invoice Number	Invoice Description	Amount
001-GENERAL FUND		
40-POLICE DEPARTMENT		
40-PD ADMINISTRATION		
4481-BALCO UNIFORM CO., INC		
191094	EQUIPMENT	220.00
191095	BPV- DOWDY/HUNTER	3,779.80
191096	BPV-SPRAGUE	1,889.90
191097	BPV - CHARLES	1,889.90
191110	OFFICER EQUIPMENT	488.91
	VENDOR TOTAL:	8,268.51
2483-CAMPBELL COUNTY SHERIFF		
191068	APRIL PRISONER BILLING	2,550.00
	VENDOR TOTAL:	2,550.00
1368-CHILDREN'S HOME SOCIETY		
191112	FORENSIC 25-00979	150.00
191114	FORENSIC 25-9141	150.00
191116	FORENSIC 25-7655	150.00
191219	FORENSIC 25-7655	150.00
	VENDOR TOTAL:	600.00
4881-COMMISSION ON ACCREDITATION FOR LAW ENFORCEMENT		
191093	TRAINING	3,978.00
	VENDOR TOTAL:	3,978.00
5134-COURTNEY LORRAINE FULGINITI		
191120	DUI BLOOD DRAW	75.00
	VENDOR TOTAL:	75.00
2597-CRAIG FURMAN		
191118	DUI BLOOD DRAW	75.00
	VENDOR TOTAL:	75.00
3034-DERRIC CULEY		
191119	DUI BLOOD DRAW	75.00
	VENDOR TOTAL:	75.00

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001-GENERAL FUND		
40-POLICE DEPARTMENT		
40-PD ADMINISTRATION		
1916-GALLS INC		
191098	COX UNIFORMS	252.00
191099	HAWK UNIFORMS	621.98
191103	HAWKE SHIRT	96.95
191117	UNIFORMS	524.95
	VENDOR TOTAL:	1,495.88
1969-GOVCONNECTION		
191400	AXIS C8110 NETWORK AUDIO BRIDGE	586.23
	VENDOR TOTAL:	586.23
2159-JANE STEARNS M.S. LPC		
191109	PD COUNSELING	700.00
	VENDOR TOTAL:	700.00
55555-MISC EMPLOYEE VENDOR		
191276	FY24/25 EQUIPMENT REIMBURSEMENT	177.52
191277	FY24/25 EQUIPMENT REIMBURSEMENT	31.00
191278	FY24/25 EQUIPMENT REIMBURSEMENT	134.98
191279	FY24/25 EQUIPMENT REIMBURSEMENT	397.93
191280	FY24/25 EQUIPMENT REIMBURSEMENT	500.00
191281	FY24/25 EQUIPMENT REIMBURSEMENT	207.23
191282	FY24/25 EQUIPMENT REIMBURSEMENT	209.96
191283	FY24/25 EQUIPMENT REIMBURSEMENT	254.77
191284	FY24/25 EQUIPMENT REIMBURSEMENT	149.70
191285	FY24/25 EQUIPMENT REIMBURSEMENT	66.98
191286	FY24/25 EQUIPMENT REIMBURSEMENT	247.49
191287	FY24/25 EQUIPMENT REIMBURSEMENT	62.39
191288	FY24/25 EQUIPMENT REIMBURSEMENT	500.00
191289	FY24/25 EQUIPMENT REIMBURSEMENT	207.79
191290	FY24/25 EQUIPMENT REIMBURSEMENT	250.00
191291	FY24/25 EQUIPMENT REIMBURSEMENT	40.84
191292	FY24/25 EQUIPMENT REIMBURSEMENT	250.00

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Invoice Number		Invoice Description	Amount
001-GENERAL FUND			
40-POLICE DEPARTMENT			
40-PD ADMINISTRATION			
55555-MISC EMPLOYEE VENDOR			
191293		FY24/25 EQUIPMENT REIMBURSEMENT	197.09
191294		FY24/25 EQUIPMENT REIMBURSEMENT	500.00
191295		FY24/25 EQUIPMENT REIMBURSEMENT	250.00
191296		FY24/25 EQUIPMENT REIMBURSEMENT	494.06
191297		FY24/25 EQUIPMENT REIMBURSEMENT	393.72
191298		FY24/25 EQUIPMENT REIMBURSEMENT	219.76
191299		FY24/25 EQUIPMENT REIMBURSEMENT	136.80
191300		FY24/25 EQUIPMENT REIMBURSEMENT	87.03
191301		FY24/25 SAFETY BOOT REIMBURSEMENT	200.00
		VENDOR TOTAL:	6,167.04
1313-MOTOROLA			
191092		APX ENCRYPTED RADIOS	104,424.00
		VENDOR TOTAL:	104,424.00
1511-NORCO INC			
191090		SAFETY BOX SUPPLIES	21.06
191091		SAFETY SUPPLIES	22.94
		VENDOR TOTAL:	44.00
2066-SOURCE OFFICE PRODUCTS			
191108		NELSON - NOTARY STAMP	35.80
		VENDOR TOTAL:	35.80
5033-VERSATERM PUBLIC SAFETY US, INC.			
191089		INTELLIGENCE SOFTWARE	33,600.00
		VENDOR TOTAL:	33,600.00
4865-WYOMING CENTER FOR CLINICAL EXCELLENCE			
191100		PD COUNSELING	200.00
191101		PD COUNSELING	200.00
191102		PD COUNSELING	200.00
191104		PD COUNSELING	200.00
191105		PD COUNSELING	200.00

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Invoice Number	Invoice Description	Amount
001-GENERAL FUND		
40-POLICE DEPARTMENT		
40-PD ADMINISTRATION		
4865-WYOMING CENTER FOR CLINICAL EXCELLENCE		
191106	PD COUNSELING	300.00
191107	PD COUNSELING	200.00
	VENDOR TOTAL:	1,500.00
	DIVISION TOTAL:	164,174.46
41-DISPATCH		
2437-STATE OF WYOMING OFFICE OF THE ATTORNEY GENERAL		
191111	TRAINING - MATSON	790.00
	VENDOR TOTAL:	790.00
	DIVISION TOTAL:	790.00
45-ANIMAL SHELTER		
1572-ARETE DESIGN GROUP		
191228	ANIMAL CONTROL ADDITION	24,090.00
	VENDOR TOTAL:	24,090.00
	DIVISION TOTAL:	24,090.00
	DEPARTMENT TOTAL:	189,054.46

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Invoice Number	Invoice Description	Amount
001-GENERAL FUND		
50-PUBLIC WORKS		
33-CITY HALL BUILDING MAINTENANCE		
1040-ALSCO		
190998	RUG CLEANING	19.82
190999	RUG CLEANING	57.75
191124	RUG CLEANING	46.10
191125	RUG CLEANING STREETS	42.89
191233	RUG CLEANING	42.89
191234	RUG CLEANING	46.10
191235	RUG CLEANING	57.75
191237	RUG CLEANING	19.82
	VENDOR TOTAL:	333.12
1519-CRUM ELECTRIC SUPPLY COMPANY		
191391	BUILDING MAINTENANCE * LED LIGHTS	3,156.90
	VENDOR TOTAL:	3,156.90
2036-POWDER RIVER HEATING & CONDITIONING CORPORATION		
191229	CITY HALL COOLING TOWER START UP & REPAIRS	2,592.06
191231	CITY POOL CLEAN FLOOR DRAINS	190.00
	VENDOR TOTAL:	2,782.06
3690-PRO WINDMILL INC		
191232	CITY HALL & CITY WEST PEST SPRAYING	175.00
	VENDOR TOTAL:	175.00
	DIVISION TOTAL:	6,447.08
50-PUBLIC WORKS ADMIN		
4148-TERRY SJOLIN		
191456	SCHEDULING FOR THE FIELDS	200.00
	VENDOR TOTAL:	200.00
	DIVISION TOTAL:	200.00
51-PARKS		
1040-ALSCO		
191126	UNIFORM CLEANING	47.00
191132	UNIFORM CLEANING PARKS	48.36

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Invoice Number	Invoice Description	Amount
001-GENERAL FUND		
50-PUBLIC WORKS		
51-PARKS		
	VENDOR TOTAL:	95.36
2005-PETE LIEN & SONS INC		
191423	PARKS * INFEILD MIX * JANIE	4,988.20
191424	PARKS * INFEILD MIX * JANIE	4,880.40
191425	PARKS * INFEILD MIX * JANIE	4,799.20
191426	PARKS * INFEILD MIX * JANIE	4,767.00
	VENDOR TOTAL:	19,434.80
4148-TERRY SJOLIN		
191456	SCHEDULING FOR THE FIELDS	925.00
	VENDOR TOTAL:	925.00
2400-WYOMING WATER SOLUTIONS		
191133	WATER ECSC	43.00
	VENDOR TOTAL:	43.00
	DIVISION TOTAL:	20,498.16
54-STREETS		
1040-ALSCO		
190995	UNIFORM CLEANING - STREETS	70.28
191006	UNIFORM CLEANING	70.28
	VENDOR TOTAL:	140.56
3592-BADGER DAYLIGHTING CORP		
191000	STORM DRAIN CLEANING	39,210.62
191001	VACTORING SERVICES	7,764.48
	VENDOR TOTAL:	46,975.10
1264-MCM GENERAL CONTRACTORS		
191321	ANNUAL TRENCHING AND BORING AG	7,553.80
	VENDOR TOTAL:	7,553.80
1290-MID WEST PEST MANAGEMENT		
191060	VEGETATION CONTROL	750.00
191061	VEGETATION CONTROL	850.00
191062	VEGETATION CONTROL	300.00

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Invoice Number		Invoice Description	Amount
001-GENERAL FUND			
50-PUBLIC WORKS			
54-STREETS			
1290-MID WEST PEST MANAGEMENT			
191063	VEGETATION CONTROL		320.00
191064	VEGETATION CONTROL		200.00
191065	VEGETATION CONTROL		450.00
191066	VEGETATION CONTROL		450.00
191131	VEGETATION CONTROL		860.00
		VENDOR TOTAL:	4,180.00
1897-ONE CALL OF WYOMING COPR			
191327	ONE-CALL OF WYOMING		346.00
		VENDOR TOTAL:	346.00
2035-POWDER RIVER ENERGY CORPORATION			
191008	ELECTRIC - SIGN LIGHTING HWY 50		42.97
191009	ELECTRIC SIGN LIGHTING 14-16		44.31
191010	ELECTRIC WELCOME TO GILLETTE SIGN SHWY 59		46.13
		VENDOR TOTAL:	133.41
1802-SIMON CONTRACTORS			
191007	ROCK		360.00
		VENDOR TOTAL:	360.00
		DIVISION TOTAL:	59,688.87
		DEPARTMENT TOTAL:	86,834.11

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Invoice Number	Invoice Description	Amount
001-GENERAL FUND		
60-ENGINEERING & DEV SERVICES		
62-TRAFFIC SAFETY		
4228-RMS INSTRUMENT & ELECTRICAL, LLC		
191138	RFB'S NOT WORKING TESTED VOLTAGES	622.95
191139	HYDRO VAC SIGN HOLES	1,140.00
191140	SIGNAL MAINTENANCE SHOSHONE/ENZI	1,802.50
	VENDOR TOTAL:	3,565.45
3892-SQUARE GROVE LLC		
191430	TRAFFIC * TY'S DESK	3,800.00
	VENDOR TOTAL:	3,800.00
	DIVISION TOTAL:	7,365.45
63-PLANNING		
1663-LAND SURVEYING INCORPORATED		
191127	PROFESSIONAL SERVICES	563.77
	VENDOR TOTAL:	563.77
	DIVISION TOTAL:	563.77
	DEPARTMENT TOTAL:	7,929.22

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Invoice Number	Invoice Description	Amount
001-GENERAL FUND		
65-PUBLIC AFFAIRS DEPARTMENT		
03-PUBLIC ACCESS		
1091-AVI SYSTEMS		
191357	GPA * CONTROL ROOM UPGRADE * JEREMY	19,301.78
191358	GPA * CONTROL ROOM UPGRADE * JEREMY	43,253.00
	VENDOR TOTAL:	62,554.78
	DIVISION TOTAL:	62,554.78
32-JUDICIAL		
4966-APRIL SHIPPY		
191145	INTERPRETER	60.00
191272	INTERPRETER	20.00
	VENDOR TOTAL:	80.00
2483-CAMPBELL COUNTY SHERIFF		
191068	APRIL PRISONER BILLING	312.50
	VENDOR TOTAL:	312.50
	DIVISION TOTAL:	392.50
	DEPARTMENT TOTAL:	62,947.28
	FUND TOTAL:	1,387,645.55

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	Invoice Number	Invoice Description	Amount
201-1% FUND			
10-ADMINISTRATION			
05-1% OPTIONAL SALES TAX			
1447-ANIXTER POWER SOLUTIONS			
	191347	ENGINEERING * POXY * GURLEY * MATT	10,453.30
		VENDOR TOTAL:	10,453.30
1415-CONSOLIDATED ENGINEERS INC			
	191335	2025 POTHOLE REPAIRS * CM	1,393.50
		VENDOR TOTAL:	1,393.50
4226-NATHAN G STEINER			
	191336	ANTELOPE VALLEY PLAYGROUND	3,399.60
		VENDOR TOTAL:	3,399.60
4228-RMS INSTRUMENT & ELECTRICAL, LLC			
	191137	PATCH CABLES FOR FIBER IN SIGNAL CABINETS	880.00
	191271	BATTERY BACKUP REPLACEMENT	5,537.38
		VENDOR TOTAL:	6,417.38
5064-RVE, INC			
	191337	DALBEY IMPROVEMENTS STUDY	19,449.00
		VENDOR TOTAL:	19,449.00
2363-WWC ENGINEERING			
	191339	FEMA DONKEY CREEK MASTER DRAIN	8,300.00
		VENDOR TOTAL:	8,300.00
		DIVISION TOTAL:	49,412.78
		DEPARTMENT TOTAL:	49,412.78
		FUND TOTAL:	49,412.78

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Invoice Number	Invoice Description	Amount
301-MADISON WATERLINE		
70-UTILITIES		
72-MADISON WATER LINE		
4228-RMS INSTRUMENT & ELECTRICAL, LLC		
191032	FIBER INSTALL	1,183.75
	VENDOR TOTAL:	1,183.75
	DIVISION TOTAL:	1,183.75
	DEPARTMENT TOTAL:	1,183.75
	FUND TOTAL:	1,183.75

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	Invoice Number	Invoice Description	Amount
501-UTILITIES ADMINISTRATION FUND			
70-UTILITIES			
70-UTILITIES ADMINISTRATION			
2406-XEROX CORPORATION			
	191141	COPIER METER READ	38.38
		VENDOR TOTAL:	38.38
		DIVISION TOTAL:	38.38
		DEPARTMENT TOTAL:	38.38
		FUND TOTAL:	38.38

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Invoice Number		Invoice Description	Amount
502-SOLID WASTE FUND			
50-PUBLIC WORKS			
55-SOLID WASTE			
1040-ALSCO			
	190996	UNIFORM CLEANING	20.14
	191236	UNIFORM CLEANING	20.14
VENDOR TOTAL:			40.28
DIVISION TOTAL:			40.28
DEPARTMENT TOTAL:			40.28
FUND TOTAL:			40.28

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Invoice Number	Invoice Description	Amount
503-WATER FUND		
70-UTILITIES		
73-WATER		
1197-BORDER STATES ELECTRIC		
191363	WATER * MADISON * COOPER	8,811.29
	VENDOR TOTAL:	8,811.29
2852-CORE & MAIN		
191389	WATER * ANALYZER * ELI	140.00
	VENDOR TOTAL:	140.00
1705-DYKMAN ELECTRICAL INC		
191395	WATER * VFD * COOPER	66,427.50
	VENDOR TOTAL:	66,427.50
1792-ENERGY LABORATORIES INC		
190992	TESTING	37.20
190993	TESTING	34.50
	VENDOR TOTAL:	71.70
1422-GILLETTE CONTRACTORS SUPPLY INC		
191379	WATER * TOOL * ELI	1,046.22
191382	WATER * MADISON * COOPER	5,379.44
191455	RETURN PARTS	-43.30
	VENDOR TOTAL:	6,382.36
4985-GILLETTE STEEL CENTER		
191244	REBAR	96.00
	VENDOR TOTAL:	96.00
55555-MISC EMPLOYEE VENDOR		
191303	FY24/25 SAFETY BOOT REIMBURSEMENT	100.00
	VENDOR TOTAL:	100.00
1424-MUNICIPAL TREATMENT EQUIPMENT		
191147	PARTS	347.92
	VENDOR TOTAL:	347.92
1897-ONE CALL OF WYOMING COPR		
191327	ONE-CALL OF WYOMING	346.00
	VENDOR TOTAL:	346.00

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Invoice Number	Invoice Description	Amount
503-WATER FUND		
70-UTILITIES		
73-WATER		
2005-PETE LIEN & SONS INC		
191245	CONCRETE	1,306.50
	VENDOR TOTAL:	1,306.50
3369-POSTAL PROS SOUTHWEST INC		
191038	PRINT & MAIL CONSUMER CONFIDENCE REPORTS	4,937.00
	VENDOR TOTAL:	4,937.00
2035-POWDER RIVER ENERGY CORPORATION		
191148	ELECTRIC FORCE RD STORAGE BLDG	76.15
191150	ELECTRIC - CPS#2	50.55
191151	ELECTRIC - CPS#3	51.31
191152	ELECTRIC MADISON REHAB CPS#4	45.27
191153	ELECTRIC MADISON REHAB CPS#7	55.71
191154	ELECTRIC BENNOR ESTATES	78.53
191155	ELECTRIC OVERBROOK	95.50
191156	ELECTRIC RAFTER D	83.32
191157	ELECTRIC SOUTHFORK	51.40
191158	ELECTRIC COOK RD	80.34
191159	ELECTRIC FORCE RD JOINT POWERS BOARD	46.23
191160	ELECTRIC SERVICE CONTROL BLDG	82.65
191161	ELECTRIC 8 MILE WATER SYSTEM	56.77
191162	ELECTRIC ROZET RANCHETTES WATER SYSTEM	81.50
191163	ELECTRIC 355 AMERICAN RD AKA CNTRL	42.00
191164	ELECTRIC 230 AMERICAN RD AKA CNTRL	42.00
191165	ELECTRIC 19 MALLARD RD AKA CNTRL	62.00
191166	ELECTRIC WATER CONTROL BLDG RED TAIL	83.13
	VENDOR TOTAL:	1,164.36
4997-PVS DX INC		
191243	CHEMICALS	8,182.05
	VENDOR TOTAL:	8,182.05

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Invoice Number	Invoice Description	Amount
503-WATER FUND		
70-UTILITIES		
73-WATER		
1802-SIMON CONTRACTORS		
191146	ROAD BASE	1,233.28
191241	ROCK	340.00
191242	ROCK	350.00
	VENDOR TOTAL:	1,923.28
2731-WATERWORKS INDUSTRIES		
191439	WATER * BACKFLOW * MIKE J	4,700.00
	VENDOR TOTAL:	4,700.00
	DIVISION TOTAL:	104,935.96
	DEPARTMENT TOTAL:	104,935.96
	FUND TOTAL:	104,935.96

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Invoice Number	Invoice Description	Amount
504-POWER FUND		
70-UTILITIES		
74-POWER		
3894-CAMPBELL COUNTY LANDFILL		
191025	ENERGY SUB SW CAB BASES	93.00
	VENDOR TOTAL:	93.00
1264-MCM GENERAL CONTRACTORS		
191320	ANNUAL TRENCHING AND BORING AG	9,983.62
191322	ANNUAL TRENCHING AND BORING AG	40,978.65
	VENDOR TOTAL:	50,962.27
55555-MISC EMPLOYEE VENDOR		
191302	FY24/25 SAFETY BOOT REIMBURSEMENT	200.00
	VENDOR TOTAL:	200.00
1897-ONE CALL OF WYOMING COPR		
191327	ONE-CALL OF WYOMING	346.95
	VENDOR TOTAL:	346.95
5078-PARTSONE LLC		
191080	PARTS	121.00
191081	PARTS	20.98
	VENDOR TOTAL:	141.98
1958-PCA ENGINEERING INC		
190991	FOOTHILLS VIEW CABLE REPLACEMENT	353.75
191324	PROFESSIONAL SURVEYING & EASEM	437.50
	VENDOR TOTAL:	791.25
2071-PROELECTRIC INC		
191325	ANNUAL MISCELLANEOUS ELECTRICAL	1,180.91
191326	ANNUAL MISCELLANEOUS ELECTRICAL	951.31
	VENDOR TOTAL:	2,132.22
	DIVISION TOTAL:	54,667.67
	DEPARTMENT TOTAL:	54,667.67
	FUND TOTAL:	54,667.67

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	Invoice Number	Invoice Description	Amount
505-SEWER FUND			
70-UTILITIES			
75-SEWER			
1040-ALSCO			
	191003	UNIFORM CLEANING	146.58
		VENDOR TOTAL:	146.58
4292-CAR-KNACK INC			
	191053	STORAGE BOX	205.00
		VENDOR TOTAL:	205.00
3904-CBH CO-OP			
	191373	WASTEWATER * DIESEL	1,995.00
		VENDOR TOTAL:	1,995.00
1381-CITY OF GILLETTE			
	191331	WWTF ADMIN BLDG HVAC REPLACEME	6,731.03
	191333	WWTF ADMIN BLDG HVAC REPLACEME	5,785.54
		VENDOR TOTAL:	12,516.57
1792-ENERGY LABORATORIES INC			
	191002	TECHNICAL SERVICES	162.30
	191035	TECHNICAL SERVICES	34.80
	191036	TECHNICAL SERVICES	77.70
	191238	TESTING	105.60
		VENDOR TOTAL:	380.40
1549-HILLCREST SPRING WATER INC			
	191059	DISTILLED WATER	130.00
		VENDOR TOTAL:	130.00
1589-HOT IRON			
	191142	SEWER LINE REPAIR NEAR WYODAK	6,285.00
		VENDOR TOTAL:	6,285.00
1897-ONE CALL OF WYOMING COPR			
	191327	ONE-CALL OF WYOMING	346.00
		VENDOR TOTAL:	346.00

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Invoice Number	Invoice Description	Amount
505-SEWER FUND		
70-UTILITIES		
75-SEWER		
2035-POWDER RIVER ENERGY CORPORATION		
191169	ELECTRIC GIL SEWAGE MTR STA	81.98
191170	ELECTRIC 50-72-14 LIFT PUMPS	1,202.97
	VENDOR TOTAL:	1,284.95
2036-POWDER RIVER HEATING & CONDITIONING CORPORATION		
191269	PM EQUIPMENT	1,705.00
191270	HVAC REPAIRS	2,660.00
191330	WWTF ADMIN BLDG HVAC REPLACEME	127,889.27
191332	WWTF ADMIN BLDG HVAC REPLACEME	109,924.96
	VENDOR TOTAL:	242,179.23
4228-RMS INSTRUMENT & ELECTRICAL, LLC		
191033	WW ENERGY BLDG	1,016.57
191134	WWTP DIGESTER BUILDING	6,474.47
191135	WASTE WATER ENERGY BUILDING GENCON	2,068.56
	VENDOR TOTAL:	9,559.60
1801-SIGNBOSS LLC		
191427	WASTEWATER * BUILDING SIGNAGE * BRETT P	9,139.35
	VENDOR TOTAL:	9,139.35
5133-SLETTEN CONSTRUCTION OF WYOMING, INC		
191334	WWTP PH II CMAR	32,962.50
	VENDOR TOTAL:	32,962.50
	DIVISION TOTAL:	317,130.18
	DEPARTMENT TOTAL:	317,130.18
	FUND TOTAL:	317,130.18

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Invoice Number		Invoice Description	Amount
506-FIBER FUND			
70-UTILITIES			
78-FIBER			
1264-MCM GENERAL CONTRACTORS			
191323		ANNUAL TRENCHING AND BORING AG	2,611.30
		VENDOR TOTAL:	2,611.30
		DIVISION TOTAL:	2,611.30
		DEPARTMENT TOTAL:	2,611.30
		FUND TOTAL:	2,611.30

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Invoice Number	Invoice Description	Amount
603-WAREHOUSE FUND		
00-UNDEFINED		
00-UNDEFINED		
1042-AM SIGNAL LLC		
191343	TRAFFIC SAFETY INVENTORY	252.00
	VENDOR TOTAL:	252.00
1447-ANIXTER POWER SOLUTIONS		
191344	ELECTRICAL INVENTORY	294.25
191345	ELECTRICAL INVENTORY	1,183.40
191346	ELECTRICAL INVENTORY	2,150.00
191348	ELECTRICAL INVENTORY	199.20
191349	ELECTRICAL INVENTORY	1,312.35
	VENDOR TOTAL:	5,139.20
1197-BORDER STATES ELECTRIC		
191361	ELECTRICAL INVENTORY	392.00
191362	ELECTRICAL INVENTORY	11,400.00
191364	ELECTRICAL INVENTORY	138.48
191365	WATER INVENTORY	73.24
191366	ELECTRICAL INVENTORY	577.50
191367	ELECTRICAL INVENTORY	48.81
191368	ELECTRICAL INVENTORY	157.79
191369	ELECTRICAL INVENTORY	20.92
191370	ELECTRICAL INVENTORY	236.69
191371	ELECTRICAL INVENTORY	31.72
191372	ELECTRICAL INVENTORY	150.00
	VENDOR TOTAL:	13,227.15
1519-CRUM ELECTRIC SUPPLY COMPANY		
191390	ELECTRICAL INVENTORY	1,737.04
191392	ELECTRICAL INVENTORY	134.61
	VENDOR TOTAL:	1,871.65
1870-FLAGSHOOTER LLC		
191396	ELECTRICAL INVENTORY	166.79
191397	ELECTRICAL INVENTORY	333.81

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Invoice Number		Invoice Description	Amount
603-WAREHOUSE FUND			
00-UNDEFINED			
00-UNDEFINED			
		VENDOR TOTAL:	500.60
1422-GILLETTE CONTRACTORS SUPPLY INC			
	191375	WATER INVENTORY	23.00
	191376	ELECTRICAL INVENTORY	569.80
	191377	ELECTRICAL INVENTORY	42.80
	191378	WATER INVENTORY	336.81
	191380	PARKS INVENTORY	21.47
	191381	WATER INVENTORY	127.96
	191383	PARKS INVENTORY	15.00
	191384	PARKS INVENTORY	382.50
	191385	WATER INVENTORY	690.81
	191386	WATER INVENTORY	537.84
	191387	WATER INVENTORY	55.98
	191388	WATER INVENTORY	7,641.32
		VENDOR TOTAL:	10,445.29
1991-HACH COMPANY			
	191401	WATER INVENTORY	1,286.10
		VENDOR TOTAL:	1,286.10
1479-NEWMAN SIGNS INC			
	191405	TRAFFIC INVENTORY	480.55
	191406	TRAFFIC INVENTORY	538.20
		VENDOR TOTAL:	1,018.75
1511-NORCO INC			
	191407	ELECTRICAL INVENTORY	806.40
	191411	ELECTRICAL INVENTORY	187.02
	191412	ELECTRICAL INVENTORY	32.18
	191414	ELECTRICAL INVENTORY	139.80
	191417	ELECTRICAL INVENTORY	75.93
		VENDOR TOTAL:	1,241.33

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Invoice Number	Invoice Description	Amount
603-WAREHOUSE FUND		
00-UNDEFINED		
00-UNDEFINED		
5078-PARTSONE LLC		
191419	VEHICLE MAINTENANCE WAREHOUSE INVENTORY	83.76
191420	VEHICLE MAINTENANCE WAREHOUSE	43.92
191421	VMW	538.44
	VENDOR TOTAL:	666.12
2198-STUART C. IRBY CO		
191431	ELECTRICAL INVENTORY	193.50
191432	ELECTRICAL INVENTORY	1,246.95
191433	ELECTRICAL INVENTORY * WESTERN TIE PROJECT * MICK	158.00
191434	ELECTRICAL INVENTORY * WESTERN TIE PROJECT * MICK	340.50
	VENDOR TOTAL:	1,938.95
4424-TMMI, LLC		
191435	ELECTRICAL INVENTORY	682.20
	VENDOR TOTAL:	682.20
2336-TRAFFIC & PARKING CONTROL COMPANY		
191436	TRAFFIC SAFETY INVENTORY	1,318.52
	VENDOR TOTAL:	1,318.52
2175-TWO M COMPANY INC		
191437	PARKS INVENTORY	545.40
	VENDOR TOTAL:	545.40
3014-UNITED CENTRAL INDUSTRIAL SUPPLY CO		
191438	ELECTRICAL INVENTORY	60.77
	VENDOR TOTAL:	60.77
2731-WATERWORKS INDUSTRIES		
191440	WATER INVENTORY	264.00
191441	WATER INVENTORY	368.50
191442	WATER INVENTORY	280.00
	VENDOR TOTAL:	912.50
2289-WESCO DISTRIBUTION INC		
191443	WATER INVENTORY	90.72

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Invoice Number		Invoice Description	Amount
603-WAREHOUSE FUND			
00-UNDEFINED			
00-UNDEFINED			
2289-WESCO DISTRIBUTION INC			
191444		ELECTRICAL INVENTORY	110.40
191445		ELECTRICAL INVENTORY	135.90
191446		ELECTRICAL INVENTORY	75.00
191447		WATER INVENTORY	124.80
191448		ELECTRICAL INVENTORY	496.00
191449		ELECTRICAL INVENTORY	613.08
VENDOR TOTAL:			1,645.90
DIVISION TOTAL:			42,752.43
DEPARTMENT TOTAL:			42,752.43

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	Invoice Number	Invoice Description	Amount
603-WAREHOUSE FUND			
25-FINANCE			
28-WAREHOUSE FUND			
1040-ALSCO			
	190994	RUG CLEANING	28.69
	191143	RUG CLEANING WAREHOUSE	28.69
		VENDOR TOTAL:	57.38
		DIVISION TOTAL:	57.38
		DEPARTMENT TOTAL:	57.38
		FUND TOTAL:	42,809.81

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Invoice Number	Invoice Description	Amount
604-VEHICLE MAINTENANCE FUND		
00-UNDEFINED		
00-UNDEFINED		
1397-COLLINS COMMUNICATIONS INC		
191374	VM INVENTORY	282.08
	VENDOR TOTAL:	282.08
4417-DOOLEY OIL, INC		
191394	VM	2,358.18
	VENDOR TOTAL:	2,358.18
1575-HOMAX OIL		
191402	VM * DIESEL	26,842.53
	VENDOR TOTAL:	26,842.53
5050-HUGHES FIRE EQUIPMENT, INC.		
191403	VM INVENTORY	399.66
	VENDOR TOTAL:	399.66
3398-JACK'S TRUCK CENTER INC		
191398	VM INVENTORY	10.42
191399	VM INVENTORY	76.34
	VENDOR TOTAL:	86.76
4462-JOE JOHNSON EQUIPMENT, LLC		
191404	VM INVENTORY	1,303.07
	VENDOR TOTAL:	1,303.07
2190-SPENCER FLUID POWER		
191428	VM INVENTORY	31.47
191429	VM INVENTORY	1,637.94
	VENDOR TOTAL:	1,669.41
	DIVISION TOTAL:	32,941.69
	DEPARTMENT TOTAL:	32,941.69

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Invoice Number	Invoice Description	Amount
604-VEHICLE MAINTENANCE FUND		
50-PUBLIC WORKS		
36-VEHICLE MAINTENANCE		
1040-ALSCO		
191190	UNIFORM CLEANING	121.04
191191	UNIFORM CLEANING	120.36
	VENDOR TOTAL:	241.40
1041-ALTEC INDUSTRIES INC		
191049	REPAIRS	821.70
191250	PARTS	100.08
	VENDOR TOTAL:	921.78
1167-BIG HORN TIRE INC		
191013	TIRES	624.80
191205	TIRES	803.88
191252	TIRES	354.06
	VENDOR TOTAL:	1,782.74
1171-BIGHORN HYDRAULICS INC		
191054	PARTS	3.67
191055	PARTS	8.00
191184	PARTS	2.00
191185	PARTS	2.71
191193	PARTS	30.35
191215	PARTS	73.05
	VENDOR TOTAL:	119.78
1178-BJ NELSON/NELSON AUTO GLASS		
191203	WINDSHIELD	383.86
	VENDOR TOTAL:	383.86
2594-BOMGAARS SUPPLY		
191187	PARTS	5.27
	VENDOR TOTAL:	5.27
1525-CUMMINS ROCKY MOUNTAIN INC		
191167	PARTS	1,215.20
191248	REPAIRS	12,188.92

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604-VEHICLE MAINTENANCE FUND		
50-PUBLIC WORKS		
36-VEHICLE MAINTENANCE		
	VENDOR TOTAL:	13,404.12
3862-DADS TRUCK AND AUTO LLC		
191015	TOWING	560.00
191183	TOWING	182.56
	VENDOR TOTAL:	742.56
4320-ECOVERSE INDUSTRIES, LTD		
191196	CHARGING CABLE	177.33
	VENDOR TOTAL:	177.33
1858-FIREMASTER DEPT 1019		
191088	HOLE PUNCH	166.00
	VENDOR TOTAL:	166.00
4985-GILLETTE STEEL CENTER		
191017	SHEET METAL	191.00
191256	12 GAUGE PLATE	90.00
	VENDOR TOTAL:	281.00
2645-GREINER MOTOR COMPANY		
191014	PARTS	118.89
191044	PARTS	15.61
191045	PARTS	14.55
191046	PARTS	99.59
191050	PARTS	211.14
191051	PARTS	51.22
191197	PARTS	105.78
191198	PARTS	116.15
191199	PARTS	2.74
191202	PARTS	217.20
191209	PARTS	37.43
191210	PARTS	211.60
191249	PARTS	170.09
	VENDOR TOTAL:	1,371.99

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Invoice Number	Invoice Description	Amount
604-VEHICLE MAINTENANCE FUND		
50-PUBLIC WORKS		
36-VEHICLE MAINTENANCE		
4128-GROSSENBURG IMPLEMENT INCORPORATED		
191182	PARTS	2,261.87
	VENDOR TOTAL:	2,261.87
1575-HOMAX OIL		
191239	DEF FLUID	445.05
191240	OIL	5,307.70
	VENDOR TOTAL:	5,752.75
3677-HURCO TECHNOLOGIES INC		
191041	PARTS	74.85
	VENDOR TOTAL:	74.85
3398-JACK'S TRUCK CENTER INC		
191012	PARTS	35.23
191056	PARTS	391.62
191188	PARTS	199.27
191189	PARTS	428.29
191194	PARTS	340.27
191211	PARTS	1,546.35
191253	PARTS	23.87
	VENDOR TOTAL:	2,964.90
5130-JENNER EQUIPMENT CO		
191043	KIT SEAL	163.28
191201	PARTS	263.63
	VENDOR TOTAL:	426.91
4462-JOE JOHNSON EQUIPMENT, LLC		
191042	PARTS	129.11
191181	PARTS	988.54
	VENDOR TOTAL:	1,117.65

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Invoice Number	Invoice Description	Amount
604-VEHICLE MAINTENANCE FUND		
50-PUBLIC WORKS		
36-VEHICLE MAINTENANCE		
1758-KAREN'S DELIVERY SERVICE		
191034	PARTS SHIPPING	150.00
	VENDOR TOTAL:	150.00
4987-LAWSON PRODUCTS, INC.		
191057	PARTS	43.78
191192	PARTS	991.45
	VENDOR TOTAL:	1,035.23
1291-MIDLAND IMPLEMENT CO INC		
191186	PARTS	630.89
191200	PARTS	630.89
191212	PARTS	183.12
191213	PARTS	545.36
	VENDOR TOTAL:	1,990.26
55555-MISC EMPLOYEE VENDOR		
191305	FY24/25 4TH QTR TOOL ALLOWANCE	300.00
191306	FY24/25 4TH QTR TOOL ALLOWANCE	271.75
191307	FY24/25 4TH QTR TOOL ALLOWANCE	300.00
191308	FY24/25 4TH QTR TOOL ALLOWANCE	300.00
191309	FY24/25 4TH QTR TOOL ALLOWANCE	300.00
191310	FY24/25 4TH QTR TOOL ALLOWANCE	300.00
191311	FY24/25 4TH QTR TOOL ALLOWANCE	300.00
	VENDOR TOTAL:	2,071.75
3983-MOUNTAIN PEAKS DIAGNOSTICS, LLC		
191206	PARTS	41.90
	VENDOR TOTAL:	41.90
1511-NORCO INC		
191048	CYLINDER RENT MAY 2025	43.71
191255	FIRE EXTINGUISHER	12.40
	VENDOR TOTAL:	56.11

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Invoice Number	Invoice Description	Amount
604-VEHICLE MAINTENANCE FUND		
50-PUBLIC WORKS		
36-VEHICLE MAINTENANCE		
5078-PARTSONE LLC		
191074	PARTS	90.99
191075	PARTS	15.42
191076	PARTS	20.24
191077	PARTS	16.48
191083	PARTS	39.58
191084	PARTS	45.17
191085	PARTS	45.73
191086	PARTS	20.81
191087	PARTS	83.23
191173	PARTS	182.92
191174	PARTS	1.29
191175	PARTS	57.30
191176	PARTS	19.15
191177	PARTS	36.56
191178	PARTS	34.27
191179	PARTS	15.64
191207	PARTS	16.26
191208	PARTS	70.69
191216	PARTS	111.53
191258	PARTS	15.64
191259	PARTS	82.92
191260	PARTS	520.53
191261	PARTS	26.24
191262	PARTS	25.34
191263	RETURN PARTS	-10.29
191264	PARTS	81.69
191265	PARTS	26.99
191266	PARTS	505.26
191267	PARTS	8.15

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Invoice Number	Invoice Description	Amount
604-VEHICLE MAINTENANCE FUND		
50-PUBLIC WORKS		
36-VEHICLE MAINTENANCE		
5078-PARTSONE LLC		
191268	PARTS	224.20
	VENDOR TOTAL:	2,429.93
4967-RDO EQUIPMENT CO		
191058	PARTS	414.86
191254	PARTS	146.09
	VENDOR TOTAL:	560.95
1976-STOTZ EQUIPMENT		
191047	PARTS	43.94
	VENDOR TOTAL:	43.94
2309-WHITE'S FRONTIER MOTORS		
191180	PARTS	101.04
	VENDOR TOTAL:	101.04
	DIVISION TOTAL:	40,677.87
37-VEHICLE REPLACEMENT		
1397-COLLINS COMMUNICATIONS INC		
191195	TOOLS	70.52
	VENDOR TOTAL:	70.52
	DIVISION TOTAL:	70.52
	DEPARTMENT TOTAL:	40,748.39
	FUND TOTAL:	73,690.08

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	Invoice Number	Invoice Description	Amount
702-LIABILITY INSURANCE FUND			
25-FINANCE			
38-LIABILITY INSURANCE			
5050-HUGHES FIRE EQUIPMENT, INC.			
	191251	PARTS	296.50
	191257	PARTS	1,705.49
		VENDOR TOTAL:	2,001.99
1264-MCM GENERAL CONTRACTORS			
	191028	REPAIRS HIT POWER POLE ECHETA	375.00
		VENDOR TOTAL:	375.00
		DIVISION TOTAL:	2,376.99
		DEPARTMENT TOTAL:	2,376.99
		FUND TOTAL:	2,376.99
		GRAND TOTAL:	2,036,542.73

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	Invoice Number	Invoice Description	Amount
001-GENERAL FUND			
50-PUBLIC WORKS			
50-PUBLIC WORKS ADMIN			
2435-WYOMING STATE			
	190963	NOTARY RENEWAL - D GYDESEN	60.00
		VENDOR TOTAL:	60.00
		DIVISION TOTAL:	60.00
		DEPARTMENT TOTAL:	60.00
		FUND TOTAL:	60.00

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	Invoice Number	Invoice Description	Amount
201-1% FUND			
00-UNDEFINED			
00-UNDEFINED			
1864-FIRST NATIONAL BANK OF GILLETTE			
	190962	CERTIFICATE OF DEPOSIT	2,000,000.00
		VENDOR TOTAL:	2,000,000.00
		DIVISION TOTAL:	2,000,000.00
		DEPARTMENT TOTAL:	2,000,000.00
		FUND TOTAL:	2,000,000.00
		GRAND TOTAL:	2,000,060.00

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Invoice Number		Invoice Description	Amount
001-GENERAL FUND			
20-HUMAN RESOURCES			
21-SAFETY			
5150-LORI FREDERIC			
191021		SAFETY TRAINING DAY SPEAKER	4,500.00
		VENDOR TOTAL:	4,500.00
		DIVISION TOTAL:	4,500.00
		DEPARTMENT TOTAL:	4,500.00

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Invoice Number	Invoice Description	Amount
001-GENERAL FUND		
40-POLICE DEPARTMENT		
42-VOCA/VAWA		
3596-ELM COURT APTS		
191019	RENT FOR VICTIM	500.00
	VENDOR TOTAL:	500.00
	DIVISION TOTAL:	500.00
	DEPARTMENT TOTAL:	500.00
	FUND TOTAL:	5,000.00

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	Invoice Number	Invoice Description	Amount
201-1% FUND			
10-ADMINISTRATION			
05-1% OPTIONAL SALES TAX			
1754-KLJ ENGINEERING LLC			
	190976	HIDDEN VALLEY SEWER IMPROVEMEN	10,303.69
		VENDOR TOTAL:	10,303.69
		DIVISION TOTAL:	10,303.69
		DEPARTMENT TOTAL:	10,303.69
		FUND TOTAL:	10,303.69

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Invoice Number	Invoice Description	Amount
604-VEHICLE MAINTENANCE FUND		
50-PUBLIC WORKS		
36-VEHICLE MAINTENANCE		
2432-WYOMING DEPT OF TRANSPORTATION		
191022	4 SETS OF LICENSE PLATES	40.00
	VENDOR TOTAL:	40.00
	DIVISION TOTAL:	40.00
	DEPARTMENT TOTAL:	40.00
	FUND TOTAL:	40.00
	GRAND TOTAL:	15,343.69

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	Invoice Number	Invoice Description	Amount
001-GENERAL FUND			
00-UNDEFINED			
00-UNDEFINED			
5051-HEALTHEQUITY, INC.			
	191312	WEEKLY CLAIMS	2,053.51
	191313	HRA/FSA REIMBURSEMENT	884.88
	191314	WEEKLY CLAIMS	3,058.30
		VENDOR TOTAL:	5,996.69
		DIVISION TOTAL:	5,996.69
		DEPARTMENT TOTAL:	5,996.69
		FUND TOTAL:	5,996.69

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Invoice Number		Invoice Description	Amount
701-HEALTH INSURANCE FUND			
20-HUMAN RESOURCES			
22-HEALTH INSURANCE			
2557-BLUE CROSS BLUE SHIELD OF WYOMING			
191315		DRUG COSTS, WEEKLY CLAIMS, COTIVITI	125,180.62
191316		DRUG COSTS, WEEKLY CLAIMS, COTIVITI, CASH FLOW REG	105,312.54
		VENDOR TOTAL:	230,493.16
		DIVISION TOTAL:	230,493.16
		DEPARTMENT TOTAL:	230,493.16
		FUND TOTAL:	230,493.16
		GRAND TOTAL:	236,489.85



**CITY OF GILLETTE
CITY COUNCIL**

DATE: **July 1, 2025**

TITLE:

Mayor Lundvall - \$74,990.40

SUGGESTED ACTION:

I move for the approval of the conflict claims for Mayor Lundvall.

CASE BACKGROUND:

S & S Builders - Repairs - \$17,138.00

S & S Builders - Large Patch Phase I - \$54,959.78

City held retainage for S&S Builders - Large Patch Phase I Contract - \$2,892.62

STAFF REFERENCE:

Michelle Henderson, Finance Director

ATTACHMENTS:

[Conflict Claims](#)

Expenditure Approval Report

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	Invoice Number	Invoice Description	Amount
001-GENERAL FUND			
50-PUBLIC WORKS			
54-STREETS			
1493-S & S BUILDERS			
	191275	REPAIRS	17,138.00
		VENDOR TOTAL:	17,138.00
		DIVISION TOTAL:	17,138.00
		DEPARTMENT TOTAL:	17,138.00
		FUND TOTAL:	17,138.00

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	Invoice Number	Invoice Description	Amount
201-1% FUND			
10-ADMINISTRATION			
05-1% OPTIONAL SALES TAX			
1381-CITY OF GILLETTE			
	191329	LARGE PATCH PH 1 * RETAINAGE	2,892.62
		VENDOR TOTAL:	2,892.62
1493-S & S BUILDERS			
	191328	LARGE PATCH PH 1	54,959.78
		VENDOR TOTAL:	54,959.78
		DIVISION TOTAL:	57,852.40
		DEPARTMENT TOTAL:	57,852.40
		FUND TOTAL:	57,852.40
		GRAND TOTAL:	74,990.40



**CITY OF GILLETTE
CITY COUNCIL**

DATE: **July 1, 2025**

TITLE:

Recognition of Outgoing Board Members
~ Angi Klamm, Parks & Beautification Board
~ Robert Henning, Gillette Historic Preservation Commission

STAFF REFERENCE:

Michael H. Cole, City Administrator



**CITY OF GILLETTE
CITY COUNCIL**

DATE: **July 1, 2025**

TITLE:

Things to Know Video for July, 2025

STAFF REFERENCE:

VIDEO - Jennifer Toscana, Public Affairs Director



**CITY OF GILLETTE
CITY COUNCIL**

DATE: **July 1, 2025**

TITLE:

Campbell County Health EMS Presentation - Shane Kirsch

STAFF REFERENCE:

Michael H. Cole, City Administrator



**CITY OF GILLETTE
CITY COUNCIL**

DATE: July 1, 2025

TITLE:

Council Consideration of a Special Event Permit on 3rd Street Plaza on August 5, 2025, from 3:00 p.m. to 9:00 p.m. for a National Night Out Event, requested by the City of Gillette.

SUGGESTED ACTION:

I move to approve the foregoing Special Event Permit.

CASE BACKGROUND:

The Street Closure will occur on 3rd Street from Gillette Avenue to Carey Avenue, as well as Kendrick Avenue from 3rd Street to The Local parking lot entrance. From 3:00pm to 5:00pm access to the Post Office will be kept open via Kendrick Avenue and then closed for the event duration.

Roll-Outs, Electrical Outlets, and Barricades are requested.

<https://natw.org/>

"National Night Out is an annual community-building campaign that promotes police-community partnerships and neighborhood camaraderie to make our neighborhoods safer, more caring places to live. National Night Out enhances the relationship between neighbors and law enforcement while bringing back a true sense of community. Furthermore, it provides a great opportunity to bring police and neighbors together under positive circumstances. Millions of neighbors take part in National Night Out across thousands of communities from all fifty states, U.S. territories and military bases worldwide on the first Tuesday in August."

STAFF REFERENCE:

MAP - Jennifer Toscana, Public Affairs Director

ATTACHMENTS:

MAP
COI

National Night Out August 5th 2025

W 2nd St

E 2nd St

E 1st St

S Emerson Ave

Carey Ave

E 3rd St

W 3rd St

Warren Ave

S Gillette Ave

S Kendrick Ave

W 4th St

E 4th St

4th St



THE INFORMATION ON THIS DRAWING WAS OBTAINED FROM
RECORDING DESIGN DRAWINGS. THE CITY OF GILLETTE MAKES NO
GUARANTEE AS TO THE ACCURACY OF THE INFORMATION CONTAINED THEREIN.

CITY OF GILLETTE
Information Technology GIS
P.O. Box 3003
Gillette, Wyoming 82717-3003
Phone (307) 686-5364
www.gillettewy.gov

0 1,000 2,000
Feet
June 20, 2025

Productivity Service With P.R.I.D.E. Enthusiasm
Responsibility Integrity Dedication



CERTIFICATE OF LIABILITY COVERAGE

The Wyoming Association of Risk Management (WARM), a joint-powers liability pool, provides comprehensive general liability and automobile liability coverage to the **City of Gillette**, Wyoming, subject to the following limitations:

- \$250,000 per claimant as listed in W.S. 1-39-118.
- \$500,000 per occurrence as listed in W.S. 1-39-118.
- \$16,000,000 per claim for claims brought solely under Federal Law as provided in W.S. 1-39-118(b)(ii).
- \$16,000,000 per claim for all other claims not brought under the Wyoming Governmental Claims Act.
- The **City of Gillette** and WARM preserve all immunities under Wyoming law.
- The terms and conditions of the WARM coverage document also restrict coverage.
- The coverage period is July 1, 2025 through July 1, 2026.

Certified:

A handwritten signature in black ink, appearing to read "JC", with a stylized flourish extending to the right.

Joseph Constantino
Executive Director





**CITY OF GILLETTE
CITY COUNCIL**

DATE: **July 1, 2025**

TITLE:

Council Consideration for the Acceptance of Public Improvements for the Fleet Crew Room Renovation Project, Completed by Norton Construction, in the amount of \$54,140.00

SUGGESTED ACTION:

I move for Approval of the Acceptance of Public Improvements for the Fleet Crew Room Renovation Project, Completed by Norton Construction, in the amount of \$54,140.00

PROJECT NUMBER:

25FM02

STAFF RECOMMENDATION:

I move for Approval of the Acceptance of Public Improvements for the Fleet Crew Room Renovation Project, Completed by Norton Construction, in the amount of \$54,140.00

ACTUAL COST VS BUDGET:

\$54,140.00

STAFF REFERENCE:

Sawley Wilde, Public Works Director

ATTACHMENTS:

[Fleet Crew Room Renovation Project Acceptance- Completion](#)



CITY OF GILLETTE

www.gillettewy.gov

TO: Mayor and City Council

FROM: Sawley Wilde, Public Works Director

DATE: July 1, 2025

SUBJECT: Council Consideration for the Acceptance of Public Improvements for the Fleet Crew Room Renovation Project, Completed by Norton Construction, in the amount of \$54,140.00

Recommendation:

I move for Approval of the Acceptance of Public Improvements for the Fleet Crew Room Renovation Project, Completed by Norton Construction, in the amount of \$54,140.00

Project: 25FM02

JH/jh



**CITY OF GILLETTE
CITY COUNCIL**

DATE: July 1, 2025

TITLE:

Council Consideration of Amendment No. 2 to a Professional Services Agreement for Construction Management Services Associated with the Wastewater Treatment Plant Headworks Replacement Project, with HDR, Inc., in the Amount of \$381,063.00.

SUGGESTED ACTION:

I move to Approve Amendment No. 2 for Construction Management Services for the Wastewater Treatment Plant Headworks Replacement Project, with HDR, Inc, in the amount of \$381,063.00.

PROJECT NUMBER:

20UT05

CASE BACKGROUND:

The WWTP Headworks Project is currently under construction and has run significantly past the original project schedule. As a result of this construction period overrun, additional time is required for Construction Management.

The awarded contract days to complete the project expired in September 2023. The project is currently expected to be completed in summer 2025. The Construction Management efforts in this amendment are the costs of Construction Management that are not included in the original agreement or amendment #1.

The additional Construction Management cost included in this Amendment is \$381,063.00, which was not in the planned budget for this project. The current ARPA grant and capital construction loan (CCL) for this project has enough professional services budget remaining to pay for these services.

ACTUAL COST VS BUDGET:

Actual cost \$381,063.00; Allocated budget \$450,000

STAFF REFERENCE:

MAP - Ry Muzzarelli, P.E., Development Services Director

ATTACHMENTS:

Headworks Amendment no. 2

Project limits

This is **EXHIBIT K**, consisting of **2** pages, referred to in and part of the **Agreement between Owner and Engineer for Professional Services** dated August 4, 2020.

AMENDMENT TO OWNER-ENGINEER AGREEMENT
Amendment No. 2

The Effective Date of this Amendment is: June 24, 2025.

Background Data

Effective Date of Owner-Engineer Agreement: August 4, 2020

Owner: City of Gillette

Engineer: HDR Engineering, Inc.

Project: Wastewater Treatment Facility Improvements Project (20UT05)

HDR Project #10247085

Nature of Amendment: [Check those that are applicable and delete those that are inapplicable.]

- X Additional Services to be performed by Engineer
- X Modifications to services of Engineer
- X Modifications to responsibilities of Owner
- X Modifications to time(s) for rendering services
- X Modifications to other terms and conditions of the Agreement

Description of Modifications:

- Extension of Design Package 1a - New Septage Receiving Facility –Part of New Headworks Facility, Headworks Facility CM as described in Exhibit A
 - Please find attached the level of effort it is going to take to complete the CA/RPR on a Time and Materials Basis as follows:
 - Task 600: 3 months of effort for which includes items listed... RPR and Meetings, COs, RFIs, FOs, Pay requests, As Recorded Drawings, and project closeout.
 - Task 700: Replenished the fee for project startup, O&M and training.
 - Task 800: Legal Assistance – As needed.
- Exhibit C – Appendix 1 and 2 shall be replaced with the HDR 2025 Billing Rate Sheet attached.

Agreement Summary:

Original agreement amount:	\$2,999,971.00
Net change for prior amendments:	\$467,128.00
<u>This amendment amount:</u>	<u>\$381,063.00</u>
Adjusted Agreement amount:	\$3,848,162.00

Change in time for services (days or date, as applicable): Services to be rendered Thru
November 31, 2025

The foregoing Agreement Summary is for reference only and does not alter the terms of the Agreement, including those set forth in Exhibit C.

Owner and Engineer hereby agree to modify the above-referenced Agreement as set forth in this Amendment. All provisions of the Agreement not modified by this or previous Amendments remain in effect.

OWNER:

City of Gillette

By: _____

Print

name: Michael Cole

Title: City Administrator

Date Signed: _____

ENGINEER:

HDR Engineering, Inc.

By: _____

Print

name: Jason Kjenstad

Title: Sr Vice President

Date Signed: 6-10-2025

Expenses

	W. Moran	D. Peters	H. Turbiville	G. Daley	A. Hanson	S. Magnussen	C. Holmes	Tourek	B. Cooper	Wilwerding	A. Carson	S. Howell	J. Spencer	Rohloff	J. White	Peyton	R. Hallcroft	N. Messick	B. McConkey	Schramm	Westenberg/ Dickson/Henze	Total Labor	Travel	Printing	Expense Total \$	HDR Task Total \$	
Labor Rate Category	Managing Principal	Project Manager 7	Project Manager 7	Tech Expert 8	Engineer 4	Engineer 9	Cadd 5	Engineer 9	Engineer 3	Engineer 6	Cadd 5	Engineer 9	Cadd 4	Engineer 7	Cadd 5	Cadd 3	Const Mgr 2	Engineer 2	Oper. Specialist Tech Expert	Acct.	Admin						
Headworks Design and Construction Scope of Services																											
Task Series 100 - Project Management																											
Task 110	Management and Meetings	8	12	12		8	4		4		4		8		8					12	12	92	\$1,480	\$100	\$1,580	\$20,740	
Task 120	Geotech Coordination																					0			\$0		
Series 100 Hours		8	12	12	0	8	4	0	4	0	4	0	8	0	8	0	0	0	0	12	12	92	\$1,480 \$100 \$1,580 \$20,740				
Series 100 Fee		\$2,240	\$3,360	\$3,360	\$0	\$1,320	\$960	\$0	\$960	\$0	\$780	\$0	\$1,920	\$0	\$1,680	\$0	\$0	\$0	\$0	\$1,320	\$1,260	\$19,160					
Task Series 600 - Construction Administration																											
Task 610	Progress Meetings	6	12	12													24	24				78			\$0	\$0	
Task 620	Construction Engineering: Submittals, Pay Req., CO's, FO's		8	8		8				4		4		4		8	8	8			16	76			\$0	\$16,560	
Task 630	As Recorded Drawings		16	16			8	20	8	20	8	20	8	30	8	30	80	16			16	304		\$300	\$300	\$52,120	
Task 640	Construction Contract Close-out		16	16																	12	44		\$30	\$30	\$10,250	
Task 650	Construction Inspection									16		16		16			156	300				504	\$3,488		\$3,488	\$86,288	
Series 600 Hours		6	52	52	0	8	8	20	8	20	28	20	28	30	28	30	88	204	332	0	0	44	1006	\$3,488 \$330 \$3,818 \$178,998			
Series 600 Fee		\$1,680	\$14,560	\$14,560	\$0	\$1,320	\$1,920	\$3,300	\$1,920	\$3,000	\$5,460	\$3,300	\$6,720	\$4,350	\$5,880	\$4,950	\$11,000	\$41,820	\$44,820	\$0	\$0	\$4,620	\$175,180				
Task Series 700 - Project Startup, O&M and Training																											
Task 710	Project Startup	2	4	8																	8	22	\$4,425	\$100	\$4,525	\$9,285	
Task 720	Equipment and Systems Startup																				8	8	\$5,250	\$100	\$5,350	\$6,190	
Task 730	Operation and Maintenance Manual		16	8		40				8		24				40			240		24	400	\$2,850	\$300	\$3,150	\$85,310	
Series 700 Hours		2	20	16	0	40	0	0	0	0	8	0	24	0	0	0	40	0	0	240	0	40	430	\$12,525 \$500 \$13,025 \$100,785			
Series 700 Fee		\$560	\$5,600	\$4,480	\$0	\$6,600	\$0	\$0	\$0	\$0	\$1,560	\$0	\$5,760	\$0	\$0	\$0	\$5,000	\$0	\$0	\$54,000	\$0	\$4,200	\$87,760				
Task Series 800 - Legal Assistance																											
Task 810	Meetings	16	16	16	16							8					16				8	96	\$3,880	\$100	\$3,980	\$29,140	
Task 820	Technical Assist..		40	40	40							24					40				8	192			\$0	\$51,400	
Series 700 Hours		16	56	56	56	0	0	0	0	0	0	32	0	0	0	0	56	0	0	0	16	288	\$3,880 \$100 \$3,980 \$80,540				
Series 700 Fee		\$4,480	\$15,680	\$15,680	\$19,880	\$0	\$0	\$0	\$0	\$0	\$0	\$7,680	\$0	\$0	\$0	\$0	\$11,480	\$0	\$0	\$0	\$1,680	\$76,560					
	Total Hours	32	140	136	56	56	12	20	12	20	40	20	92	30	36	30	128	260	332	240	12	112	1816				
	Total Labor, Expenses or Fee	\$8,960	\$39,200	\$38,080	\$19,880	\$9,240	\$2,880	\$3,300	\$2,880	\$3,000	\$7,800	\$3,300	\$22,080	\$4,350	\$7,560	\$4,950	\$16,000	\$53,300	\$44,820	\$54,000	\$1,320	\$11,760	\$358,660	\$21,373	\$1,030	\$22,403	\$381,063

BASE PROJECT TOTAL	
TOTAL LABOR	\$358,660
TOTAL EXPENSES	\$22,403
AMMENDMENT NO. 2 NOT TO EXCEED FEE	\$381,063
	\$3,467,099
Fee Summary	\$3,848,162

HDR Engineering 2025 Hourly Billing Rates

Billing Title	Billing Rate
Managing Principal	280
Project Manager 7	280
Project Manager 6	260
Project Manager 5	240
Project Manager 4	225
Project Manager 3	210
Project Manager 2	195
Project Manager 1	180
Engineer 11	280
Engineer 10	260
Engineer 9	240
Engineer 8	225
Engineer 7	210
Engineer 6	195
Engineer 5	180
Engineer 4	165
Engineer 3	150
Engineer 2	135
Engineer 1	125
System Integrator 4	225
System Integrator 3	195
System Integrator 2	175
System Integrator 1	155
CADD/GIS Technician 6	185
CADD/GIS Technician 5	165
CADD/GIS Technician 4	145
CADD/GIS Technician 3	125
CADD/GIS Technician 2	115
CADD/GIS Technician 1	105
Technician 5	170
Technician 4	150
Technician 3	135
Technician 2	115
Technician 1	105

Billing Title	Billing Rate
Right of Way 4	195
Right of Way 3	175
Right of Way 2	155
Right of Way 1	120
Right of Way Coordinator	105
Environmental/Hydrologist/Geologist 7	225
Environmental/Hydrologist/Geologist 6	210
Environmental/Hydrologist/Geologist 5	195
Environmental/Hydrologist/Geologist 4	170
Environmental/Hydrologist/Geologist 3	150
Environmental/Hydrologist/Geologist 2	130
Environmental/Hydrologist/Geologist 1	110
Surveyor 5	190
Surveyor 4	170
Surveyor 3	150
Surveyor 2	130
Surveyor 1	110
Construction Manager 5	245
Construction Manager 4	235
Construction Manager 3	215
Construction Manager 2	205
Construction Manager 1	185
Strategic Comm/Graphic Designer 4	165
Strategic Comm/Graphic Designer 3	145
Strategic Comm/Graphic Designer 2	130
Strategic Comm/Graphic Designer 1	105
Project Controller	120
Project Accountant	110
Project Assistant	105
Admin Assistant	85



Rates shall be adjusted annually. HDR may hire contract workers that will be assigned a billing rate based on this rate sheet. HDR has technical experts in various geographic locations that may be utilized based on specific project need. This specialized expertise will be billed at the below rates.

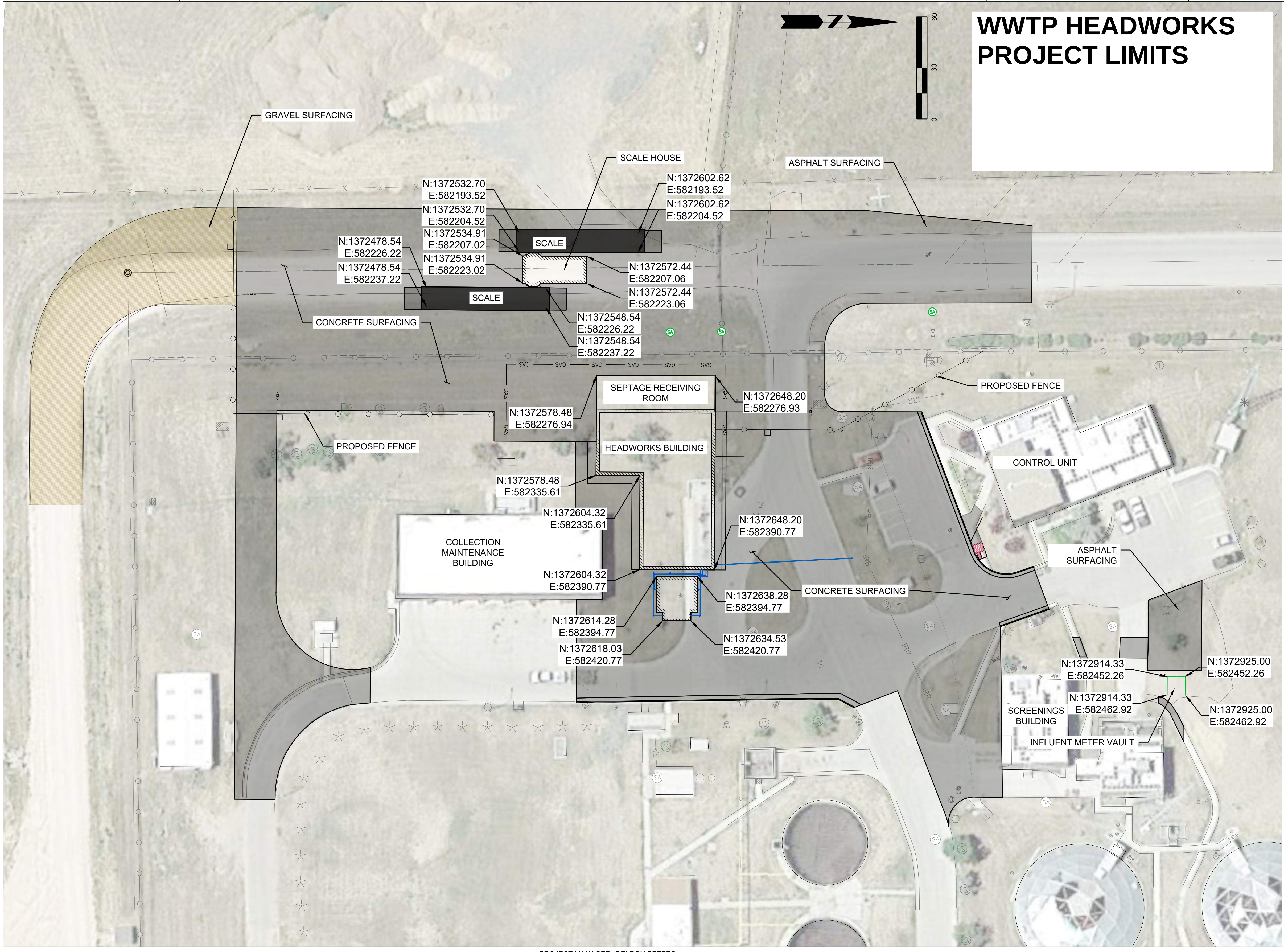
Billing Title	Billing Rate
Technical Expert 9	375
Technical Expert 8	355
Technical Expert 7	335
Technical Expert 6	315
Technical Expert 5	305
Technical Expert 4	285
Technical Expert 3	265
Technical Expert 2	245
Technical Expert 1	225

REIMBURSABLE EXPENSES

Reimbursable Expense shall mean actual expenses incurred for travel, meals, subconsultants, shipping, and other incurred expense. If negotiated with Owner in the contract, HDR will add an agreed to percentage mark-up to subconsultant invoices to cover administrative expenses and vicarious liability. Specialty equipment charges apply to specific equipment used on the project.

Expense	Rate
Traffic Counting Equipment	\$120.00 per hour
Survey/GPS Equipment	\$50.00 per hour
Robotic Total Station	\$50.00 per hour
Side-by-Side Utility Vehicle	\$25.00 per hour
Handheld GPS	\$20.00 per hour
Drone	\$275.00 per day
HDR Vehicle Mileage	\$0.75 per mile
Personal Vehicle Mileage	IRS rate per mile
Printing (in-house)	
B&W 8.5x11	\$0.0857 each
Color 8.5x11	\$0.1801 each
B&W 11x17	\$0.1714 each
Color 11x17	\$0.3602 each
Plots Bond	\$0.55 per sq. ft.

WWTP HEADWORKS PROJECT LIMITS





**CITY OF GILLETTE
CITY COUNCIL**

DATE: **July 1, 2025**

TITLE:

Council Consideration to Award the City Hall Chiller Plant Replacement Project to APEX Mechanical in the amount of \$550,564.00.

SUGGESTED ACTION:

I move for Approval of a bid award for the City Hall Chiller Plant Replacement Project to APEX Mechanical in the amount of \$550,564.00.

PROJECT NUMBER:

25FM01

STAFF RECOMMENDATION:

I move for Approval of a bid award for the City Hall Chiller Plant Replacement Project to APEX Mechanical in the amount of \$550,564.00.

ACTUAL COST VS BUDGET:

550,564.00

STAFF REFERENCE:

Sawley Wilde, Public Works Director

ATTACHMENTS:

[City Hall Chiller Plant Replacement Project #25FM01](#)



CITY OF GILLETTE

www.gillettewy.gov

TO: Mayor and City Council

FROM: Sawley Wilde, Public Works Director

DATE: July 1, 2025

SUBJECT: Council Consideration to award the City Hall Chiller Plant Replacement Project to APEX Mechanical in the amount of \$550,564.00

Recommendation:

I move for Approval of a bid award for the City Hall Chiller Plant Replacement Project to APEX Mechanical in the amount of \$550,564.00.

Project: 25FM01

JH/jh



**CITY OF GILLETTE
CITY COUNCIL**

DATE: **July 1, 2025**

TITLE:

Council Consideration of a Resolution Approving and Authorizing the Resubdivision of Lot 1 and a Portion of Lot 2 of Block 13, Daly Addition To Be Known As Lots 1A & 1B of Block 13, Daly Addition; to the City of Gillette, Wyoming, Subject to all Planning Requirements. (Planning Commission Vote: 6/0)

SUGGESTED ACTION:

I move to Approve a Resolution Approving and Authorizing the Resubdivision of Lot 1 and a Portion of Lot 2 of Block 13, Daly Addition To Be Known As Lots 1A & 1B of Block 13, Daly Addition; to the City of Gillette, Wyoming, Subject to all Planning Requirements.

APPLICANT/OWNER:

Thomas & Rabecca Monahan, Owner

AGENT:

Kris Anderson, Anderson Surveying LLC, Agent

CASE BACKGROUND:

The applicant is requesting approval to subdivide an existing 0.32-acre parcel located at 301 Richards Avenue into two separate lots. The proposed subdivision would result in one 0.24-acre lot and one 0.08-acre lot. This action will effectively place the two existing buildings on individual lots.

The larger 0.24-acre lot will contain the primary medical office building along with the majority of the current parking area. The smaller 0.08-acre lot will encompass the existing smaller structure, which is currently a legally nonconforming residential use, as well as a smaller portion of the parking area.

The subject property is zoned C-2, Central Business District. This zoning designation does not impose minimum requirements for lot size or width, making the proposed subdivision permissible under current zoning standards.

Access to City utilities is readily available, as the existing parcel is currently served by water, sanitary sewer, and electric infrastructure.

CASE REQUIREMENTS:

All comments from the staff review process shall be addressed.

STAFF REFERENCE:

MAP - Ry Muzzarelli, P.E., Development Services Director

CASE MANAGER:

Shannon Stefanick, City Planner

ATTACHMENTS:

[Planning Requirements](#)

[Resolution](#)

[Vicinity Map](#)

[Preliminary Plat](#)

[6/24/25 Planning Commission Minutes](#)

PL2025-0018 | Minor Subdivision | 301 Richards

Planning Requirements

1. All comments from the staff review process shall be addressed.

RESOLUTION NO.

**A RESOLUTION APPROVING AND AUTHORIZING THE
MINOR SUBDIVISION OF LOT 1 & A PORTION OF LOT 2 OF
BLOCK 13, DALY ADDITION; TO THE CITY OF GILLETTE,
WYOMING, SUBJECT TO ALL PLANNING REQUIREMENTS.**

WHEREAS the Final Plat of the Resubdivision of Lot 1 & a Portion of Lot 2 of Block 13, Daly Addition to be known as Lots 1A & 1B of Block 13, Daly Addition; to the City of Gillette, Wyoming has been approved by the City of Gillette Planning Commission by a majority of its members on June 24th, 2025, with Planning Requirements.

WHEREAS the recording of the Resubdivision of Lot 1 & a Portion of Lot 2 of Block 13, Daly Addition to be known as Lots 1A & 1B of Block 13, Daly Addition; to the City of Gillette, Wyoming; with the Campbell County Clerk and Ex-Officio Recorder of Deeds, is subject to meeting all Planning Requirements approved by the Planning Commission on June 24th, 2025.

THEREFORE, IT IS RESOLVED BY THE GOVERNING BODY OF THE CITY OF GILLETTE, WYOMING, THAT:

the Final Plat of the Resubdivision of Lot 1B of Block 7, of the Resubdivision of Lot 1 & a Portion of Lot 2 of Block 13, Daly Addition to be known as Lots 1A & 1B of Block 13, Daly Addition; to the City of Gillette, Wyoming, has been approved by the City of Gillette, Wyoming as prepared by Anderson Surveying LLC, signed by Kristopher Anderson, Professional Land Surveyor, Wyoming Registration Number 17865, is hereby approved for filing with the Campbell County Clerk and Ex-Officio Recorder of Deeds.

PASSED, APPROVED, AND ADOPTED this _____ day of _____, 2025.

Shay Lundvall, Mayor

(S E A L)

ATTEST:

Alicia Allen, City Clerk

Vicinity Map with Approximate Proposed Lot Line in White



CITY OF GILLETTE

Information Technology GIS
P.O. Box 3003
Gillette, Wyoming 82717-3003
Phone (307) 686-5364
www.gillettewy.gov

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GUARANTEE REGARDING THE ACCURACY OF THIS DRAWING OR
THE INFORMATION CONTAINED THEREIN.



1 inch equals 42 feet
1 inch equals 0.01 miles

May 23, 2025

City of Gillette, GIS Division, Campbell County, City of Gillette, Camp

CAMPBELL COUNTY WYOMING

INSTRUMENT NUMBER 2024-02858 OF THE CAMPBELL COUNTY CLERK AND RECORDS OFFICE , DALY ADDITION



COUNTY CLERK



DATE: 6/10/2025

CITY OF GILLETTE PLANNING COMMISSION
MINUTES OF THE REGULAR MEETING
Community Room ~ City Hall ~ June 24, 2025 ~ 5:15 pm

PRESENT

Commission Members Present: Chair Shaun Hottell, Vice-Chair Ryan Conklin, Cristal Pratt, Richard Cone, Matthew Nelson, and Jack Colson.

Commission Members Absent: Ian Scott

Staff Present: Shannon Stefanick, City Planner; Margaret Brewer, Planning Technician

CALL TO ORDER

Chair Shaun Hottell called the meeting to order at 5:15 p.m.

APPROVAL OF
THE MINUTES

A motion was made by Vice-Chair Conklin to approve the meeting minutes of June 10, 2025. Richard Cone seconded the motion. Motion carried 6/0.

Case No.
PL2025-0022
MINOR
SUBDIVISION
4000 Ariel Ave

The applicant proposes to subdivide an existing 11.53-acre parcel at 4000 Ariel Avenue into two lots. The northern proposed Lot 2A will be 6.39 acres and the southern proposed Lot 2B will be 5.14 acres. Lot 2A has self-storage units on the property and Lot 2B is currently undeveloped.

The property located at 4000 Ariel Avenue is currently zoned C-3, Business/Services District. In accordance with the C-3 zoning district standards, the minimum lot size is 15,000 square feet (approximately 0.344 acres).

Pursuant to the City of Gillette Subdivision Regulations for commercially zoned properties, installation of water and sanitary sewer services to each lot is not required at the time of platting and can be done at the time of development. The cost of these improvements shall be the responsibility of the developer. Access to City utilities—including water, sanitary sewer, and electric is readily available along South Garner Lake Road.

Chair Hottell asked if there were any comments or questions for staff.

There being no further comments or questions, Jack Colson made a motion to approve the case, and Crystal Pratt seconded. The Motion carried 6/0.

Case No.
PL2025-0018 –
MINOR
SUBDIVISION –
301 Richards Ave

The applicant is requesting approval to subdivide an existing 0.32-acre parcel located at 301 Richards Avenue into two separate lots. The proposed subdivision would result in one 0.24-acre lot and one 0.08-acre lot. This action will effectively place the two existing buildings on individual lots. The larger 0.24-acre lot will contain the primary medical office building along with the majority of the current parking area. The smaller 0.08-acre lot will encompass the existing smaller structure, which is currently a legally nonconforming residential use, as well as a smaller portion of the parking area.

The subject property is zoned C-2, Central Business District. This zoning designation does not impose minimum requirements for lot size or width, making the proposed subdivision permissible under current zoning standards. Access to city utilities is

readily available, as the existing parcel is currently served by water, sanitary sewer, and electric infrastructure.

Chair Hottell asked if there were any comments or questions for staff.

Vice-Chair Conklin asked about the zoning for the downtown area and if there were plans to clean up zoning irregularities, considering the case property and its surrounding zonings. Shannon Stefanick said with the downtown area being older properties, it has been naturally transitioning but in a slower pace. Ms. Stefanick said the city is looking into realigning zoning to better match the recently adopted Comprehensive Plan and that will help to better address areas like downtown where zoning is very mixed.

Chair Hottell asked about having the house in an area zoned Commercial, if it would still be permissible. Ms. Stefanick said it would be permissible unless the use was discontinued for more than 12 months, then it would then be converted back to commercial zoning.

Jack Colson asked if there were size requirements for the lot, and Ms. Stefanick said there were none for property zoned C-2, Central Business District.

There being no further comments or questions, Vice-Chair Conklin made a motion to approve the case, and Richard Cone seconded. The Motion carried 6/0.

OLD BUSINESS

None.

NEW BUSINESS

Shannon Stefanick said the next regular meetings will be July 8, 2025, and July 22, 2025.

Ms. Stefanick said this was the final meeting for Planning Commissioners Ryan Conklin and Crystil Pratt and thanked them for their service to the Commission.

ADJOURNMENT

The meeting was adjourned at 5:24 p.m.

Minutes taken and prepared by Margaret Brewer, Planning Technician.



**CITY OF GILLETTE
CITY COUNCIL**

DATE: July 1, 2025

TITLE:

Council Consideration of a Resolution Approving and Authorizing the Resubdivision of Lot 2 of the Devon Addition to be known as Lots 2A and 2B of the Devon Addition; to the City of Gillette, Wyoming, Subject to all Planning Requirements. (Planning Commission Vote: 6/0)

SUGGESTED ACTION:

I move to Approve a Resolution Approving and Authorizing the Resubdivision of Lot 2 of the Devon Addition to be known as Lots 2A and 2B of the Devon Addition; to the City of Gillette, Wyoming, Subject to all Planning Requirements.

APPLICANT/OWNER:

Tony Willie, Harlan Developments LLC, Owner

AGENT:

Adrienne Hahn, KLJ Engineering, Agent

CASE BACKGROUND:

The applicant proposes to subdivide an existing 11.53-acre parcel at 4000 Ariel Avenue into two lots . The northern proposed Lot 2A will be 6.39 acres and the southern proposed Lot 2B will be 5.14 acres. Lot 2A has self-storage units on the property and Lot 2B is currently undeveloped.

The property located at 4000 Ariel Avenue is currently zoned C-3, Business/Services District. In accordance with the C-3 zoning district standards, the minimum lot size is 15,000 square feet (approximately 0.344 acres).

Pursuant to the City of Gillette Subdivision Regulations for commercially zoned properties, installation of water and sanitary sewer services to each lot is not required at the time of platting and can be done at the time of development. The cost of these improvements shall be the responsibility of the developer. Access to City utilities—including water, sanitary sewer, and electric is readily available along South Garner Lake Road.

CASE REQUIREMENTS:

All comments from the staff review process shall be addressed.

STAFF REFERENCE:

MAP - Ry Muzzarelli, P.E., Development Services Director

CASE MANAGER:

Meredith Duvall, City Planning Manager

ATTACHMENTS:

[Vicinity Map](#)

[Planning Requirements](#)

[Resolution](#)

[Final Plat](#)

[6/24/25 Planning Commission Minutes](#)

Vicinity Map - Minor Subdivision - 4000 Ariel Ave



CITY OF GILLETTE

Information Technology GIS
P.O. Box 3003
Gillette, Wyoming 82717-3003
Phone (307) 686-5364
www.gillettewy.gov

THE INFORMATION ON THIS DRAWING WAS OBTAINED FROM
RECORD AND DESIGN DRAWINGS. THE CITY OF GILLETTE MAKES NO
GUARANTEE REGARDING THE ACCURACY OF THIS DRAWING OR
THE INFORMATION CONTAINED THEREIN.



1 inch equals 333 feet

1 inch equals 0.06 miles

June 02, 2025

City of Gillette, GIS Division, Campbell
County, State of Wyoming

PL2025-0022 | Minor Subdivision | 4000 Ariel Ave

Planning Requirements

1. All comments from the staff review process shall be addressed.

RESOLUTION NO.

**A RESOLUTION APPROVING AND AUTHORIZING THE
MINOR SUBDIVISION OF LOTS 2A AND 2B OF THE DEVON
ADDITION; TO THE CITY OF GILLETTE, WYOMING,
SUBJECT TO ALL PLANNING REQUIREMENTS.**

WHEREAS the Final Plat of the Resubdivision of Lot 2 of the Devon Addition to be known as Lots 2A and 2B of the Devon Addition; to the City of Gillette, Wyoming has been approved by the City of Gillette Planning Commission by a majority of its members on June 24th, 2025, with Planning Requirements.

WHEREAS the recording of the Resubdivision of Lot 2 of the Devon Addition to be known as Lots 2A and 2B of the Devon Addition; to the City of Gillette, Wyoming; with the Campbell County Clerk and Ex-Officio Recorder of Deeds, is subject to meeting all Planning Requirements approved by the Planning Commission on June 24th, 2025.

THEREFORE, IT IS RESOLVED BY THE GOVERNING BODY OF THE CITY OF GILLETTE, WYOMING, THAT:

the Final Plat of the Resubdivision of Lot 2 of the Devon Addition to be known as Lots 2A and 2B of the Devon Addition; to the City of Gillette, Wyoming, has been approved by the City of Gillette, Wyoming as prepared by KLJ Engineering, signed by Andrew J. Minton, Professional Land Surveyor, Wyoming Registration Number 15301, is hereby approved for filing with the Campbell County Clerk and Ex-Officio Recorder of Deeds.

PASSED, APPROVED, AND ADOPTED this _____ day of _____, 2025.

Shay Lundvall, Mayor

(S E A L)

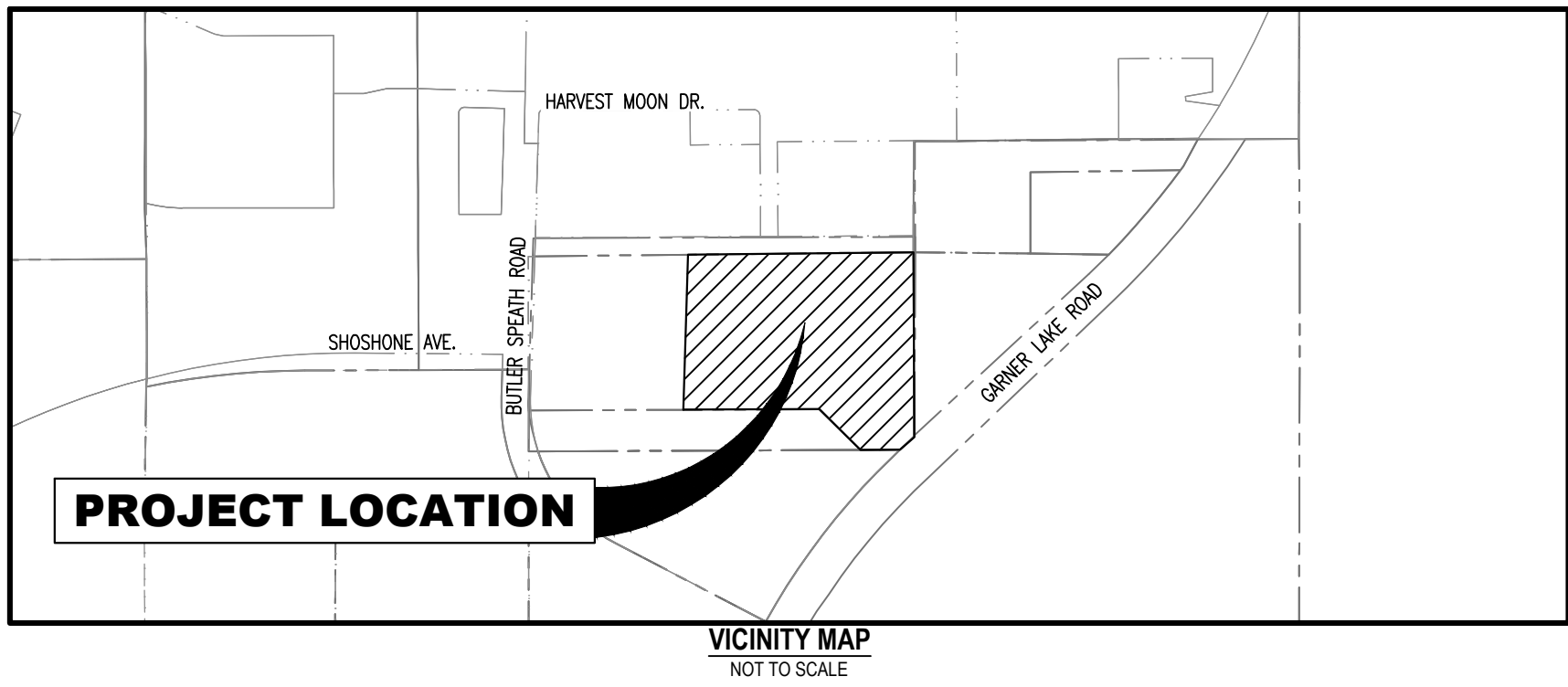
ATTEST:

Alicia Allen, City Clerk

FINAL PLAT
A RESUBDIVISION OF LOT 2 OF THE DEVON ADDITION, TO BE KNOWN AS

LOTS 2A AND 2B OF THE DEVON ADDITION

LOCATED IN THE WEST HALF OF THE NORTHEAST QUARTER (W $\frac{1}{2}$ NE $\frac{1}{4}$), SECTION 2, TOWNSHIP 49 NORTH, RANGE 72 WEST OF THE 6TH PRINCIPAL MERIDIAN,
CITY OF GILLETTE,
CAMPBELL COUNTY, WYOMING



CERTIFICATE OF DEDICATION:

KNOW ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED TONY WILLE, MEMBER OF HARLAN INVESTMENTS, LLC, BEING THE OWNER, PROPRIETOR, OR PARTIES OF INTEREST IN THE LAND SHOWN ON THIS PLAT, DO HEREBY CERTIFY THAT A RESUBDIVISION OF LOT 2 OF THE DEVON ADDITION, TO BE KNOWN AS LOTS 2A AND 2B OF THE DEVON ADDITION, LOCATED IN THE WEST HALF OF THE NORTHEAST QUARTER (W $\frac{1}{2}$ NE $\frac{1}{4}$), SECTION 2, TOWNSHIP 49 NORTH, RANGE 72 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF GILLETTE, CAMPBELL COUNTY, WYOMING. SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A RESUBDIVISION OF LOT 2 OF THE DEVON ADDITION, TO BE KNOWN AS LOTS 2A AND 2B OF THE DEVON ADDITION, LOCATED IN THE WEST HALF OF THE NORTHEAST QUARTER (W $\frac{1}{2}$ NE $\frac{1}{4}$), SECTION 2, TOWNSHIP 49 NORTH, RANGE 72 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF GILLETTE, CAMPBELL COUNTY, WYOMING, AS RECORDED IN BOOK 10 OF PLATS, PAGE 332 OF THE RECORDS OF CAMPBELL COUNTY, WYOMING.

SAID TRACT CONTAINS 11.52 ACRES, MORE OR LESS.

THAT THE UNDERSIGNED OWNER OF THE LAND SHOWN AND DESCRIBED ON THIS PLAT DOES HEREBY DEDICATE TO THE CITY OF GILLETTE AND ITS LICENSEES FOR PERPETUAL PUBLIC USE, ALL STREETS, ALLEYS, EASEMENTS, AND OTHER PUBLIC LANDS WITHIN THE BOUNDARY LINES OF THE PLAT, AS INDICATED, AND NOT ALREADY OTHERWISE DEDICATED FOR PUBLIC USE.

UTILITY EASEMENTS, AS DESIGNATED ON THIS PLAT, ARE HEREBY DEDICATED TO THE CITY OF GILLETTE AND ITS LICENSEES FOR PERPETUAL PUBLIC USE, FOR THE PURPOSE OF INSTALLING, REPAIRING, REINSTALLING, REPLACING, AND MAINTAINING SEWERS, WATER LINES, GAS LINES, ELECTRIC LINES, TELEPHONE LINES, CABLE TV LINES, AND OTHER FORMS AND TYPES OF PUBLIC UTILITIES NOW OR HEREFTER GENERALLY UTILIZED BY THE PUBLIC.

ALL RIGHTS UNDER AND BY VIRTUE OF THE HOMESTEAD EXEMPTION LAWS OF THE STATE OF WYOMING ARE HEREBY WAIVED AND RELEASED.

EXECUTED THIS _____ DAY OF _____ A.D., 20____ BY:

TONY WILLE, MEMBER
HARLAN INVESTMENTS, LLC
PO BOX 214
BIG HORN, WYO 82833
PH: 307.257.2352

STATE OF WYOMING)
)ss.
CAMPBELL COUNTY)

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____ A.D., 20____ BY
TONY WILLE, MEMBER, AS A FREE AND VOLUNTARY ACT AND DEED.

WITNESS MY OFFICIAL HAND AND SEAL.

NOTARY PUBLIC

MY COMMISSION EXPIRES

CERTIFICATE OF APPROVAL OF THE CITY COUNCIL OF THE CITY OF GILLETTE, WYOMING

APPROVED BY THE CITY COUNCIL OF THE CITY OF GILLETTE, WYOMING THIS ____ DAY OF _____ A.D., 20____

MAYOR

CITY CLERK

CERTIFICATE OF APPROVAL BY THE CITY OF GILLETTE PLANNING COMMISSION

APPROVED BY THE CITY OF GILLETTE PLANNING COMMISSION, WYOMING THIS ____ DAY OF _____ A.D., 20____

CHAIRMAN

SECRETARY

CERTIFICATE OF REVIEW OF THE CITY ENGINEER:

DATA ON THIS PLAT REVIEWED THIS ____ DAY OF _____ A.D., 20____ BY THE CITY ENGINEER OF GILLETTE, WYOMING.

CITY ENGINEER

CERTIFICATE FOR RECORDING BY THE COUNTY CLERK AND RECORDER

THIS PLAT WAS FILED FOR RECORD IN THE OFFICE OF THE CLERK AND RECORDER AT
_____ O'CLOCK ____M., THIS ____ DAY OF _____ A.D., 20____ AND IS
DULY RECORDED IN BOOK NUMBER _____, PAGE NUMBER _____

COUNTY CLERK

DECLARATION VACATING PREVIOUS PLATTING

THIS PLAT IS A RESUBDIVISION OF LOT 2 OF THE DEVON ADDITION, LOCATED IN THE WEST HALF OF THE NORTHEAST QUARTER (W $\frac{1}{2}$ NE $\frac{1}{4}$), SECTION 2, TOWNSHIP 49 NORTH, RANGE 72 WEST OF THE 6TH PRINCIPAL MERIDIAN, CAMPBELL COUNTY, WYOMING, AS RECORDED IN BOOK 10 OF PLATS, PAGE 332 OF THE RECORDS OF THE CAMPBELL COUNTY CLERK. ALL EARLIER PLATS OR PORTIONS THEREOF, ENCOMPASSED BY THE BOUNDARIES OF THIS PLAT ARE HEREBY VACATED.

SURVEYOR'S CERTIFICATE

I, ANDREW J. MINTON, DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR, LICENSED UNDER THE LAWS OF THE STATE OF WYOMING, THAT THIS SUBDIVISION PLAT IS A TRUE, CORRECT, AND COMPLETE PLAT OF A RESUBDIVISION OF LOT 2 OF THE DEVON ADDITION, TO BE KNOWN AS LOTS 2A AND 2B OF THE DEVON ADDITION, LOCATED IN THE WEST HALF OF THE NORTHEAST QUARTER (W $\frac{1}{2}$ NE $\frac{1}{4}$), SECTION 2, TOWNSHIP 49 NORTH, RANGE 72 WEST OF THE 6TH PRINCIPAL MERIDIAN, CAMPBELL COUNTY, WYOMING, AS LAID OUT, PLATTED, DEDICATED, AND SHOWN HEREON, THAT SUCH PLAT WAS MADE FROM AN ACCURATE SURVEY OF SAID PROPERTY BY ME AND UNDER MY SUPERVISION AND CORRECTLY SHOWS THE LOCATION AND DIMENSIONS OF THE LOTS, EASEMENTS, AND STREETS OF SAID SUBDIVISION AS THE SAME ARE STAKED UPON THE GROUND IN COMPLIANCE WITH CITY OF GILLETTE REGULATIONS GOVERNING THE SUBDIVISION OF LAND.

SUBDIVISION SUMMARY

TOTAL AREA: 11.53 ACRES
TOTAL TRACTS: 0 TRACTS
TOTAL LOTS: 2 LOTS
AVERAGE LOT SIZE: ± 5.76 ACRES
ZONING: C-3
FLOOD PLAIN DESIGNATION: ZONE X
RIGHT-OF-WAY: 0.00 ACRES

LOT SUMMARY

LOT 2A: 6.39 ACRES
LOT 2B: 5.14 ACRES
TOTAL: 11.53 ACRES

BENCHMARK

BASED ON CITY OF GILLETTE VERTICAL CONTROL
MONUMENT #77, ELEVATION 4523.71

BASIS OF BEARING

CITY OF GILLETTE HORIZONTAL CONTROL.
ALL MEASURED DISTANCES ARE GROUND.

LEGEND

- FOUND PROPERTY CORNER (AS NOTED)
- SET 2 1/2" ALUMINUM CAP (LS 15301)
- EXISTING PROPERTY LINE
- EXISTING EASEMENT LINE
- PROPOSED EASEMENT LINE
- PROPOSED SUBDIVISION BOUNDARY
- VACATED EASEMENTS



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PREPARED BY:

KLJ

1900 West Warlow Drive, Suite B
Gillette, WY 82716-2582
307.682.9500
www.kljeng.com

PREPARED FOR:

HARLAN INVESTMENTS, LLC
PO BOX 214, BIG HORN,
WYOMING 82833
PH: 307.257.2352

Project No.: 2423-01841

Field Surveyor: AJM

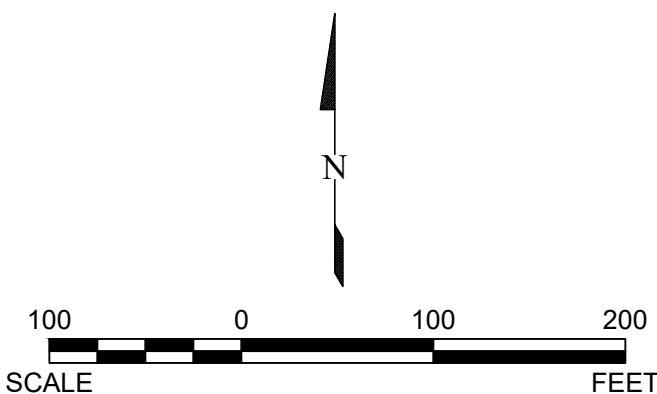
Approved By: AJM

Date Drawn: 05.28.25

Drawn By: RH

Scale: SEE DRAWING

SHEET 1.0



CITY OF GILLETTE PLANNING COMMISSION
MINUTES OF THE REGULAR MEETING
Community Room ~ City Hall ~ June 24, 2025 ~ 5:15 pm

PRESENT

Commission Members Present: Chair Shaun Hottell, Vice-Chair Ryan Conklin, Cristal Pratt, Richard Cone, Matthew Nelson, and Jack Colson.

Commission Members Absent: Ian Scott

Staff Present: Shannon Stefanick, City Planner; Margaret Brewer, Planning Technician

CALL TO ORDER

Chair Shaun Hottell called the meeting to order at 5:15 p.m.

APPROVAL OF
THE MINUTES

A motion was made by Vice-Chair Conklin to approve the meeting minutes of June 10, 2025. Richard Cone seconded the motion. Motion carried 6/0.

Case No.
PL2025-0022
MINOR
SUBDIVISION
4000 Ariel Ave

The applicant proposes to subdivide an existing 11.53-acre parcel at 4000 Ariel Avenue into two lots. The northern proposed Lot 2A will be 6.39 acres and the southern proposed Lot 2B will be 5.14 acres. Lot 2A has self-storage units on the property and Lot 2B is currently undeveloped.

The property located at 4000 Ariel Avenue is currently zoned C-3, Business/Services District. In accordance with the C-3 zoning district standards, the minimum lot size is 15,000 square feet (approximately 0.344 acres).

Pursuant to the City of Gillette Subdivision Regulations for commercially zoned properties, installation of water and sanitary sewer services to each lot is not required at the time of platting and can be done at the time of development. The cost of these improvements shall be the responsibility of the developer. Access to City utilities—including water, sanitary sewer, and electric is readily available along South Garner Lake Road.

Chair Hottell asked if there were any comments or questions for staff.

There being no further comments or questions, Jack Colson made a motion to approve the case, and Crystal Pratt seconded. The Motion carried 6/0.

Case No.
PL2025-0018 –
MINOR
SUBDIVISION –
301 Richards Ave

The applicant is requesting approval to subdivide an existing 0.32-acre parcel located at 301 Richards Avenue into two separate lots. The proposed subdivision would result in one 0.24-acre lot and one 0.08-acre lot. This action will effectively place the two existing buildings on individual lots. The larger 0.24-acre lot will contain the primary medical office building along with the majority of the current parking area. The smaller 0.08-acre lot will encompass the existing smaller structure, which is currently a legally nonconforming residential use, as well as a smaller portion of the parking area.

The subject property is zoned C-2, Central Business District. This zoning designation does not impose minimum requirements for lot size or width, making the proposed subdivision permissible under current zoning standards. Access to city utilities is

readily available, as the existing parcel is currently served by water, sanitary sewer, and electric infrastructure.

Chair Hottell asked if there were any comments or questions for staff.

Vice-Chair Conklin asked about the zoning for the downtown area and if there were plans to clean up zoning irregularities, considering the case property and its surrounding zonings. Shannon Stefanick said with the downtown area being older properties, it has been naturally transitioning but in a slower pace. Ms. Stefanick said the city is looking into realigning zoning to better match the recently adopted Comprehensive Plan and that will help to better address areas like downtown where zoning is very mixed.

Chair Hottell asked about having the house in an area zoned Commercial, if it would still be permissible. Ms. Stefanick said it would be permissible unless the use was discontinued for more than 12 months, then it would then be converted back to commercial zoning.

Jack Colson asked if there were size requirements for the lot, and Ms. Stefanick said there were none for property zoned C-2, Central Business District.

There being no further comments or questions, Vice-Chair Conklin made a motion to approve the case, and Richard Cone seconded. The Motion carried 6/0.

OLD BUSINESS

None.

NEW BUSINESS

Shannon Stefanick said the next regular meetings will be July 8, 2025, and July 22, 2025.

Ms. Stefanick said this was the final meeting for Planning Commissioners Ryan Conklin and Crystil Pratt and thanked them for their service to the Commission.

ADJOURNMENT

The meeting was adjourned at 5:24 p.m.

Minutes taken and prepared by Margaret Brewer, Planning Technician.



**CITY OF GILLETTE
CITY COUNCIL**

DATE: July 1, 2025

TITLE:

ORDINANCE 1ST READING

Council Consideration of an Ordinance to Amend Chapter 18, Sections 18-2 through 5, 18-7 through 11, 18-20 through 22 of the Gillette City Code.

SUGGESTED ACTION:

I move for Approval of the Ordinance to Amend Chapter 18, Sections 18-2 through 5, 18-7 through 11, 18-20 through 22 of the Gillette City Code.

PROJECT NUMBER:

NA

CASE BACKGROUND:

An update to Chapter 18 Streets and Sidewalks was needed to help correct, update and clarify many sections that were outdated or simply not used with today's construction practices. A summary of these modifications are listed below for reference, in no particular order:

1. Update table of contents as needed.
2. Updated the need for a permit to obstruct the ROW not to exceed 30 minutes. It was 5 minutes.
3. Updated all City of Gillette Construction and Design Standards to "the current adopted edition of the City of Gillette Construction and Design Standards" throughout entire section.
4. Removed the \$75 fee for each compaction test for the City to pay for. Left in the compaction testing schedule so contractors can complete all work.
5. Removed Deposit Requirements with each permit. The deposit amounts were outdated and no deposit was collected in many years.
6. Updated language that the permit can be an original "or electronic".
7. Clarified that any city employee can request to see the ROW permit not just Public Works Department, Development Services Department or Police Officer.
8. Added verbiage of "without approval of the City Engineer" with the permit. This states the permittee to transfer or assign the permit to any other person, without approval of the City Engineer.
9. Removed the word "tunnel" from wording when someone wants to bore under a newly

constructed street. This allows boring only unless it's deemed an emergency.

10. Changed 2 hours to 30 minutes for when a permittee who obstructs the public way to notify PD, FD, Hospital and local news media.
11. Changed retaining walls to be constructed at least 6 feet from back of curb (instead of 4 feet). This helps ensure future construction of sidewalks can be placed with forms within the ROW.
12. Changed the height of a retaining wall shall not be constructed more than 4 feet in height (instead of 3 feet).
13. Added "Any retaining wall constructed at or greater than four (4) feet in height shall obtain a building permit." This aligns with the current building codes.

ACTUAL COST VS BUDGET:

NA

STAFF REFERENCE:

Ry Muzzarelli, P.E., Development Services Director

ATTACHMENTS:

[Chapter 18 Proposed Amendments](#)

[Chapter 18 for approval](#)

ORDINANCE NO.

AN ORDINANCE TO AMEND CHAPTER 18, SECTIONS 18-2, 18-3, 18-4, 18-5, 18-7, 18-8, 18-9, 18-10, 18-11, 18-20, 18-21 AND 18-22 OF THE GILLETTE CITY CODE.

RECITAL: the Governing Body of the City of Gillette desires to amend Chapter 18 Sections 18-2 “Permit for Excavation or Construction Within a Public Way or Public Easement”, 18-3 “Permit for Placing Stone, Timber, etc., on Public Way”, 18-4 “Permit for Obstructing Public Ways”, 18-5 “Eligibility Requirements”, 18-7 “Fee for Compaction Tests”, 18-8 “General Deposit”, 18-9 “Special Deposit”, 18-10 “Conditions”, 18-11 “Construction General”, 18-20 “Retaining Walls”, 18-21 “Driveways” and 18-22 “Curb and Gutter” of the Gillette City Code.

THEREFORE, be it ordained by the governing body of the City of Gillette:

SECTION ONE. Chapter 18 of the Gillette City Code is amended to read as follows (with changes noted in red):

Article I. In General.

§18-1. Definitions.

§18-2. Permit for Excavation or Construction Within a Public Way or Public Easement.

§18-3. Permit for Placing Stone, Timber, etc., on Public Way.

§18-4. Permit for Obstructing Public Ways.

§18-5. Eligibility Requirements.

§18-6. Permit Fee.

§18-7. ~~Fee for~~ Compaction Tests.

§18-8. Corrective Actions~~General Deposit~~.

§18-9. ~~Special Deposit~~Unused

§18-10. Conditions.

§18-11. Construction General.

§18-12. Street Cuts.

§18-13. Traffic control and Signing

Article II. In General.

§18-14 Regulation of Trees in Public Ways.

§18-15. Damaging, etc., Street Signs.

§18-16. Renaming streets.

§18-17. Removal of obstructions by owner or occupant of abutting property--Generally.

§18-18. Permitting sidewalks to remain out of repair or unsafe or dangerous.

§18-19. Monuments, Property Corners, Reference Points.

§18-20. Retaining Walls.

§18-21. Driveways.

§18-22. Curb and Gutter.

§18-1. Definitions.

City - City of Gillette

City Engineer - City Engineer of the City of Gillette or his authorized representative.

Construction - Any work performed within a Public Way including but not limited to the repair, alteration, or new construction of streets, sidewalks, curb and gutter, driveways, retaining walls, drainage structures, water lines, sewer lines, electrical power lines, telephone lines, gas lines or television lines, etc..

Excavation - Any work where material, such as soil, asphalt, concrete or gravel, is cut, removed and replaced with suitable material including but not limited to street cuts, curb cuts, sidewalk cuts, driveway cuts, or cuts in public easements.

Person - Any person, firm, partnership, association, corporation, company, or organization of any kind.

Public Easement - Public right-of-way, including but not limited to street right-of-way, public drainage ways and alleys.

Public Way - Public right-of-way, including but not limited to street right-of-way, public drainage ways and alleys. (Ord. No. 1211, 6-29-81.)

Article I. Permits.

Division I. Types of right-of-way (ROW) Permits

§18-2. Permit for Excavation of Construction Within a Public way Or Public Easement.

No person shall begin excavation or construction within a Public Way or Public Easement without first obtaining a permit from the City Engineer. If, however, an emergency arises in which it becomes necessary to make immediate excavations in order that the public safety be preserved, then in that event, it shall not be necessary to secure the above said permit prior to making said excavations, provided however, that said permit shall be secured within two (2) working days after said excavation, each day thereafter will be considered a separate offense. (Ord. 1211, 6-29-81.)

§18-3. Permit for Placing Stone, Timber, etc., on Public Way.

No person shall place or cause to be placed any stone, brick, timber, lumber, plank, board, or other material for building or for any purpose whatever in or upon any Public Way without a permit from the City Engineer. (Ord. 1211, 6-29-81.)

§18-4. Permit for Obstructing Public Ways.

No person shall cause the complete obstruction of any Public Way for a continuous period of time, not to exceed ~~five (5)~~ thirty (30) minutes, unless he first obtains a permit from the City Engineer. Designated Arterial and Collector streets shall never be completely obstructed without first obtaining a permit from the City Engineer. (Ord. 1211, 6-29-81.)

Division II. Permit Requirements and Fees.

§18-5 Eligibility Requirements.

No person will be eligible to receive a permit to work in any Public Way unless said person holds a valid Class A Contractors License, issued by the City Building Inspector and said person has provided either a general or special deposit. Exceptions to the eligibility requirements are as follows:

(a) An individual property owner may perform limited Construction or repair work immediately adjacent to his property without having a Class A contractors License or without providing either a general or special deposit. The Construction or repair work the property owner is limited to is Construction or repair of sidewalks, ~~curb and gutter~~ and driveway sections. However, the property owner is still required to obtain a permit from the City Engineer and must perform the Construction or repair work in conformance with the ~~the~~ current adopted edition of the City of Gillette Construction Specifications and Design Standards.

(b) City of Gillette maintenance personnel, when performing work for the City, are not required to obtain a permit, nor are they required to have a Class A Contractors License or a deposit. (Ord. 1211, 6-29-81.)

§18-6. Permit Fee.

The permit fee is twenty-five dollars (\$25.00). This fee will cover the cost of inspections and administration by the City. (Ord. 3945, 4/03/18)

§18-7. ~~Fee for~~ Compaction Tests with ROW permit.

~~A fee of seventy five dollars (\$75.00) will be charged for each required compaction test.~~
The minimum number of compaction tests is determined as follows:

- (a) One compaction test for every twenty (20) lineal feet of curb and gutter.
- (b) One compaction test for every two hundred (200) square feet of sidewalk and driveway section.
- (c) One compaction test for every twenty (20) lineal feet of trench excavation for each six (6) feet of depth; or one compaction test for every twenty (20) cubic yards of excavation, whichever is greater.
- (d) The schedule of compaction tests for general construction work shall comply with the the current adopted edition of the City of Gillette Construction Specifications and Design Standards. (Ord. 3945, 4/03/18)

Division III. ~~Deposit~~Corrective Requirements.

§18-8. ~~General Deposit~~Corrective Actions

~~Any person applying for a permit must either have a general deposit on file with the City or shall provide a special deposit at the time of applying for the permit.~~

~~(a) — The general deposit will normally be required from persons who apply for excavation permits on a regular basis. The fee schedule for the general deposit shall be as follows:~~

~~(1) — When excavations average up to 100 square feet per month, the deposit shall be \$500.00.~~

~~(2) — When excavations average 100 to 1000 square feet per month, the deposit shall be \$1500.00.~~

~~(3) — When excavations average 1000 to 5000 square feet per month, the deposit shall be \$3000.00.~~

~~(a)(b)~~ — If the permittee fails to complete the required work within the allowed time or if the work is not done in accordance with City Specifications or City Code, the City will cause the work to be done satisfactorily. The City shall then present a bill to the permittee for the amount expended plus a service charge of 15%.

~~(be)~~ Upon receipt of a bill from the City for services performed ~~in B.~~, the permittee shall make full payment to the City within ~~thirtytwo~~ (230) working days.

(cd) If the permittee does not make full payment within ~~thirtytwo~~ (230) working days, the City shall draft funds from the permittee's general deposit to cover the cost of the work plus the 15% service charge.

(de) The city shall not issue any further permits to the permittee until all bills for work performed ~~abovein B.~~ are paid in full, ~~and the general deposit has been reestablished to it's full amount.~~ (Ord. 1211, 6-29-81.)

~~§18-9. Special Deposit.(Unused)~~

~~(a) — A Special Deposit will be required from persons who apply for excavation permits very infrequently. A Special Deposit will also be required from persons who apply for permits for obstructing public ways and for permits for placing stone, timber, etc., on a public way. The Special Deposit will be required at the time of application for their permit and the fee for the Special Deposit will be determined as follows:~~

~~—— (1) — The Special Deposit for an excavation permit shall be based on a current schedule of costs that will be posted in the City Engineer's Office. The schedule or costs will be determined on the basis of current prices for labor and materials plus a percentage of the labor and material costs.~~

~~—— (2) — The Special Deposit fee on permits for Obstructing Public Ways and permits for Placing Stone, Timber, etc. on Public Ways shall be a standard \$100.00.~~

~~(b) — Upon completion of the work and after the City Engineer has inspected and approved the work, the Special Deposit will be returned to the permittee. However, if the permittee fails to complete the required work within the allowed time or if the work is not done in accordance with City Specifications, the City will draft the permittee's entire Special Deposit to redo or complete the work.~~ (Ord. 1211, 6-29-81.)

Division IV. Conditions and Construction Requirements

§18-10. Conditions.

The following conditions are in effect regarding the issuance of permits. If any person is found to be not in conformance with one or more of these conditions, a stop work order will be issued by the City. The stop work order will remain in effect until the conditions are in conformance.

- (a) The person applying for a permit ~~shall must execute an agreement with the City. The agreement shall~~ state the type ~~and quality~~ of work to be performed, shall give the date when the work will be completed, shall provide a site plan showing the location of the work to be performed and shall provide a one year warranty from the date the work is completed.
- (b) The original or electronic permit shall be kept at the work site during construction. At the request of any ~~city Public Works Department employee, Development Services Department employee, or Police Officer,~~ the permittee shall display the original issued permit.
- (c) The permittee cannot transfer or assign the permit to any other person.
- (d) The permittee may not have more than three (3) active permits at any one time unless permission is obtained from the City Engineer.
- (e) Excavation permits will not be issued for a period of 2 years on streets that have been newly ~~paved, repaved or~~ reconstructed. The only exception is in the case of an emergency declared by the City Engineer. When additional underground service utilities are needed on a new street, the permittee will be required to ~~tunnel or~~ bore the ~~new~~ street in order to provide said services.
- (f) One permit may cover more than one excavation provided that one contractor is involved, the work is performed as a continuous operation and the work is in one general location.
- (g) The permittee is responsible for contacting "ONE CALL OF WYOMING" before doing any excavation. Permittee is responsible for damages to underground utilities in accordance with the Wyoming Underground Facilities Notification Act, §§ 37-12-301-306.
- (h) If any public way will be completely obstructed for a period of more than ~~two (2) hours~~ thirty (30) minutes, the permittee shall notify the Police Department, Fire Department, Hospital and local news media of the type of obstruction, ~~and~~ the length of time the public way will be obstructed and a map showing the obstructed area with temporary traffic control.
- (i) If any public utility will be out of service for more than five (5) minutes, the permittee shall notify the appropriate persons or agencies who will be affected.
- (j) Any person having an excavation permit for any public way or public easement in the City, shall provide a fence or a barrier around said excavation and shall display a lighted sign at said excavation during the hours of darkness. All barricading and signing shall be done in accordance with the Manual of Uniform Traffic Control Devices (MUTCD) and the Wyoming Supplement to the MUTCD.

(k) If repairs cannot be made due to inclement weather conditions, the permittee shall maintain barricades or the surface of the excavation at his own expense until the complete repair can be made properly. In the case of winter street excavations, cold mix asphalt will be placed in the excavation as often as necessary to maintain a smooth travel surface.

(l) Upon completion and prior to City approval of any permitted work where utility services were provided, the permittee shall contact the Utilities Service Coordinator and provide a sketch showing the location of the new services in relation to property corners or in relation to existing manholes, fire hydrants, or water valves.

(m) The permittee shall indemnify and hold harmless the City of Gillette and its agents and employees from and against all claims, damages, losses and expenses including attorney's fees arising out of or resulting from the performance of the permitted work. (Ord. 3945, 4/03/18)

§18-11. Construction, General.

(a) All construction will be performed in accordance with the current adopted edition of the City of Gillette Construction Specifications and Design Standards.

(b) For requirement governing the cutting and repair of streets, see the current adopted edition of the City of Gillette Construction Specifications and Design Standards. (Ord. 3945, 4/03/18)

§18-12. Traffic Control and Signing.

The permittee is required to maintain traffic control and provide adequate signing for vehicle and pedestrian traffic until the permit work is completed. (Ord. 1211, 6-29-81.)

§18-13. Penalty.

Any person convicted of violating §18-1 through §18-12 inclusive shall be guilty of a misdemeanor and shall be fined an amount not to exceed Seven-Hundred-Fifty Dollars (\$750.00) per day or part thereof for each day the offense continues. (Ord. 1211, 6-29-81.)

Article II. General.

§18-14 Regulation of Trees in Public Ways.

SECTION I PURPOSE

It shall be the purpose of this ordinance to provide for the safety of persons and property by guarding against certain sign obstructions to both pedestrians and vehicular traffic and to provide supervisory care for the City of Gillette urban forest system.

SECTION II DEFINITIONS

The following definitions shall apply in the interpretation and enforcement of this Ordinance.

(1) "Street Trees" are defined as trees and other woody vegetation, including shrubs, lying within a dedicated public street or alley right of way or within a dedicated public access easement.

(2) "Public Ways" are defined as property along streets and alleys which lie in a dedicated public right of way or public access easement, including the City owned property lying between the street curb and the property boundary.

(3) "Boulevard of Trees" is defined as those streets where the City of Gillette has responsibility for the planting, care, and maintenance of street trees. The following streets are included in the Boulevard of trees:

(a) Wyoming State Highway No. 59, also known as Douglas Highway, from the South City limits north to Eighth Street.

(b) U.S. Highway No. 14-16, also known as Second Street, from Richards Avenue west to the north City limits.

(c) U.S. Highway No. 14/16, also known as Second Street, from Miller Avenue east to the east City limits including any portion of Wyoming Highway No. 50 included in the route.

(d) 4-J Road from Eighth Street south to the south City limits.

(e) Gillette Avenue from First Street south to Fifth Street.

The care and maintenance of trees or other landscaping installed by the owner or developer of property adjacent to the Boulevard of Trees as a requirement of the City of Gillette Zoning Ordinance, are the responsibility of the particular owner or developer.

(4) "Parks" are defined as all property dedicated to the public for use as park or recreational areas.

(5) "Green Belt Drainage Ways" are defined as all public property including dedicated easements that have the primary function of storing, detaining, or containing storm water discharges.

SECTION III CREATION AND ESTABLISHMENT OF A CITY TREE BOARD

There is hereby created and established a City Tree Board for the City of Gillette, Wyoming, which shall be the Gillette Parks and Beautification Board.

SECTION IV DUTIES AND RESPONSIBILITIES OF THE CITY TREE BOARD

It shall be the responsibility of the City Tree Board to develop a written yearly recommendation for the care, preservation, planting, maintenance, and removal of street trees and trees located in parks, greenbelt drainage areas, or other public areas.

The Tree Board shall consider, investigate and recommend upon any special matter or question regarding the tree ordinance. Staff assistance and advice will be provided by the City Parks and Landscaping Superintendent, the City Engineer, and the Director of Utilities.

SECTION V MAINTENANCE OF TREES AND PLANT GROWTH ON PUBLIC WAYS

(1) It shall be unlawful for any person to plant, remove, destroy, cut, or deface, or in any way injure any tree or shrub located in a public way of the City without the approval of the City Administrator or his designee. There shall be no charge for any permit used to implement an approval process.

(2) Except in areas designated as Parks or within the Boulevard of Trees, plantings may be made within Public Ways by the owner of the abutting property who shall be responsible for the maintenance of all such plantings.

(3) The City may, at all times, trim, remove, or otherwise treat any trees or other plant growth within a Public Way in its sole discretion as it may deem necessary in the public interest. Street trees shall be trimmed so they do not obstruct illumination of any street light or view of traffic signals or signs.

(4) Property owners must maintain trees/shrubs on their property and the public way abutting their property so they do not protrude over sidewalks or in any way interfere with the free passage of any person along streets and sidewalks in the City.

(5) The Tree Board can require any property owner to remove any tree or shrub on their property upon discovery of any destructive or communicable disease or other pestilence which endangers the growth, health, or well being of trees or plants in the City, by serving a written notice describing the diseased plants and setting a date by which the removal work shall be performed, upon the property owner. The action of the Board shall be supported by a report from a qualified individual containing a positive identification of the diseases or other pestilence which shall be served with the notice. Examples of diseases or other pestilence which require the removal of trees include Dutch Elm Disease and Pine Bark Beetle infestations.

Upon failure of any person to comply with the provisions of a removal notice within the time set by the Tree Board, the City may cause the removal work to be done and charge the cost of the removal work to the property owner. All charges for the removal of trees or plants pursuant to this section duly ordered by the Tree Board shall be due and payable 15 days from the date a bill detailing the charges is mailed to the property owner at the address used by the County Treasurer for property taxes. The City may institute an appropriate legal action for the recovery of removal charges thereafter and shall be entitled to the recovery of all of its reasonable attorneys fees incurred in the collection of the removal charge even if no legal action is filed.

SECTION VI SPACING AND UTILITIES

1. The distance between street trees and the distance from sidewalks, streets, or curbs on public ways shall be determined by the Tree Board to provide for and conform with the mature growth of the species involved. The City Administrator or his designee shall maintain information and/or drawings, as needed, to assist the public in determining appropriate distances.

2. No street tree shall be planted within the sight triangle as defined by the City of Gillette Zoning Ordinance. No street trees shall be planted closer than ten (10) feet from any fire hydrant.

3. No street trees, other than those specifically approved by the Tree Board, may be planted under or within ten (10) lateral feet of any overhead utility wire, or over or within five (5) lateral feet of any underground waterline, sewer line, transmission line, or other utility.

4. No trees or shrubs shall be planted in any public way or utility easement without the owner or person responsible for the planting first obtaining utility locates for the planting area.

5. No tree or shrub shall be planted in a dedicated drainage easement, including a greenbelt drainage way, without the specific written approval of the City Engineer.

SECTION VII TREE SERVICE LICENSE

It shall be unlawful for any person or firm to engage in the business or occupation of trimming, spraying or removing street trees without first applying for and procuring a Contractor's License. All applicants shall file evidence of possession of liability insurance and applicants who intend to spray shall file evidence of possession of a Wyoming Commercial Herbicide, Pesticide Applicator's License.

SECTION VIII OTHER DUTIES OF THE TREE BOARD

The Tree Board shall have other duties including:

- (a) Developing tree planting and tree care programs to assist the residents of the City in establishing and maintaining the urban forest system.
- (b) Provide recommendation to City Staff and City Council on programs related to the urban forest system.
- (c) Coordinate with other public and private entities with an interest in the urban forest system. (C.O. 1948, §176; Ord 1861, 10-19-92)

§18-15. Damaging, etc., Street Signs.

It shall be unlawful for any person to damage, deface, or destroy any street or traffic control sign that may be placed to mark a street or to control traffic in the City.

§18-16. Renaming streets.

The official name of any street, avenue, or other public thoroughfare is that name appearing on the plat or other instrument originally dedicating such street to a public use, unless said name is changed by action of the governing body as hereafter provided. The governing body may by resolution change the name of a street, avenue or other public highway when it finds that the name to be changed duplicates another previously used name or when it finds that a change would advance the public interest in promoting clarity and uniformity in street names. The resolution shall state with clarity the affected city subdivision, the name to be changed, the change sought and a short statement explaining the findings of the governing body supporting the change. The city clerk shall keep all such resolutions passed pursuant to this ordinance and shall cause a copy of each to be filed with the clerk of Campbell County and ex-officio recorder of deeds. (Ord. 908, §1, 11-21-77.)

§18-17. Removal of obstructions by owner or occupant of abutting property--
Generally.

(a) It shall be unlawful for any person owning or occupying any property within the city or abutting upon any street thereof to permit any obstruction other than snow to remain upon any sidewalk in front of or adjacent to property so owned or occupied for a period of more than twelve hours after such obstruction has obstructed free passage of such sidewalk. (C.O. 1948, § 250.)

(b) The owners of occupants of any real estate in the city shall be required to remove the snow from the sidewalk adjoining such property within twenty-four hours after the fall of the snow; provided, that only the snow lying on the sidewalks may be pushed into the streets; and provided further that no accumulation of snow from privately owned lands or from parking areas shall be removed and pushed into the street. (Ord. 489, § 1, 2-1-65.)

§18-18. Permitting sidewalks to remain out of repair or unsafe or dangerous.

It shall be unlawful for any owner or occupant of any premises knowingly to permit or suffer any sidewalk abutting on or in front of any building or premises owned or occupied by him to be or to remain out of repair so as to be in any way unsafe or dangerous to travelers thereon.

Any person who shall violate any of the provisions of the first paragraph of this section and any person who, after having received a notice from the building inspector that such sidewalk is out of repair and in an unsafe or dangerous condition, shall fail, neglect or refuse to comply with the requirements of such notice or shall fail, neglect or refuse to put the sidewalk in a safe condition shall be guilty of a misdemeanor. (C.O. 1948, § 245; Ord. 549, § 1, (9-16-68.)

§18-19. Monuments, Property Corners, Reference Points.

Whosoever shall willfully or negligently cause the displacement, removal of or alteration of the location of any monument, property corner or any reference point in the boundary of a tract of land; or deface or alter markings upon any monument, property corner or landmark used for the purpose of designating any point course; or line in the boundary of any tract of land; or break, cut down or remove any monument, landmark or property corner upon which such mark is made shall be guilty of a misdemeanor and be fined not more than \$200.00. (Ord. 1122, 7-21-80.)

§18-20. Retaining Walls.

It shall be unlawful to construct a retaining wall in a public way or a public easement unless approved by the City Engineer in writing. the retaining wall is constructed at least (4) feet back of curb; and the retaining wall is construct not more than three (3) feet in height. Any retaining wall constructed at or greater than four (4) feet in height requires engineered plans and shall obtain a building permit.

§18-21. Driveways.

All driveway sections shall be installed as far as possible from a street intersection and shall be constructed in accordance with the current adopted edition of the City of Gillette Design Standards and Construction Specifications.

§18-22. Curb and Gutter.

It shall be unlawful for any person to remove only the curb section when reconstructing curb and gutter. The entire curb and gutter section must be removed and replaced in accordance with the current adopted edition of the City of Gillette Design Standards and Construction Specifications. The City Engineer may allow exceptions when he finds the proposed repair procedure adequately protects City streets.

First Reading: July 1, 2025.

Second Reading: July 15, 2025.

PASSED AND APPROVED on Third and Final Reading this 5th day of August 2025.

Shay Lundvall, Mayor

(S E A L)
ATTEST:

Alicia Allen, City Clerk

Published: Gillette News Record

Date: _____

Signed: _____

ORDINANCE NO.

AN ORDINANCE TO AMEND CHAPTER 18, SECTIONS 18-2, 18-3, 18-4, 18-5, 18-7, 18-8, 18-9, 18-10, 18-11, 18-20, 18-21 AND 18-22 OF THE GILLETTE CITY CODE.

RECITAL: the Governing Body of the City of Gillette desires to amend Chapter 18 Sections 18-2 “Permit for Excavation or Construction Within a Public Way or Public Easement”, 18-3 “Permit for Placing Stone, Timber, etc., on Public Way”, 18-4 “Permit for Obstructing Public Ways”, 18-5 “Eligibility Requirements”, 18-7 “Fee for Compaction Tests”, 18-8 “General Deposit”, 18-9 “Special Deposit”, 18-10 “Conditions”, 18-11 “Construction General”, 18-20 “Retaining Walls”, 18-21 “Driveways” and 18-22 “Curb and Gutter” of the Gillette City Code.

THEREFORE, be it ordained by the governing body of the City of Gillette:

SECTION ONE. Chapter 18 of the Gillette City Code is amended to read as follows (with changes noted in red):

Article I. In General.

§18-1. Definitions.

§18-2. Permit for Excavation or Construction Within a Public Way or Public Easement.

§18-3. Permit for Placing Stone, Timber, etc., on Public Way.

§18-4. Permit for Obstructing Public Ways.

§18-5. Eligibility Requirements.

§18-6. Permit Fee.

§18-7. Compaction Tests.

§18-8. Corrective Actions.

18-9. Unused§18-10. Conditions.

§18-11. Construction General.

§18-12. Street Cuts.

§18-13. Traffic control and Signing

Article II. In General.

§18-14 Regulation of Trees in Public Ways.

§18-15. Damaging, etc., Street Signs.

§18-16. Renaming streets.

§18-17. Removal of obstructions by owner or occupant of abutting property--Generally.

§18-18. Permitting sidewalks to remain out of repair or unsafe or dangerous.

§18-19. Monuments, Property Corners, Reference Points.

§18-20. Retaining Walls.

§18-21. Driveways.

§18-22. Curb and Gutter.

§18-1. Definitions.

City - City of Gillette

City Engineer - City Engineer of the City of Gillette or his authorized representative.

Construction - Any work performed within a Public Way including but not limited to the repair, alteration, or new construction of streets, sidewalks, curb and gutter, driveways, retaining walls, drainage structures, water lines, sewer lines, electrical power lines, telephone lines, gas lines or television lines, etc..

Excavation - Any work where material, such as soil, asphalt, concrete or gravel, is cut, removed and replaced with suitable material including but not limited to street cuts, curb cuts, sidewalk cuts, driveway cuts, or cuts in public easements.

Person - Any person, firm, partnership, association, corporation, company, or organization of any kind.

Public Easement - Public right-of-way, including but not limited to street right-of-way, public drainage ways and alleys.

Public Way - Public right-of-way, including but not limited to street right-of-way, public drainage ways and alleys. (Ord. No. 1211, 6-29-81.)

Article I. Permits.

Division I. Types of right-of-way (ROW) Permits

§18-2. Permit for Excavation of Construction Within a Public Way Or Public Easement.

No person shall begin excavation or construction within a Public Way or Public Easement without first obtaining a permit from the City Engineer. If, however, an emergency arises in which it becomes necessary to make immediate excavations in order that the public safety be preserved, then in that event, it shall not be necessary to secure the above said permit prior to making said excavations, provided however, that said permit shall be secured within two (2) working days after said excavation, each day thereafter will be considered a separate offense. (Ord. 1211, 6-29-81.)

§18-3. Permit for Placing Stone, Timber, etc., on Public Way.

No person shall place or cause to be placed any stone, brick, timber, lumber, plank, board, or other material for building or for any purpose whatever in or upon any Public Way without a permit from the City Engineer. (Ord. 1211, 6-29-81.)

§18-4. Permit for Obstructing Public Ways.

No person shall cause the complete obstruction of any Public Way for a continuous period of time, not to exceed thirty (30) minutes, unless he first obtains a permit from the City Engineer. Designated Arterial and Collector streets shall never be completely obstructed without first obtaining a permit from the City Engineer. (Ord. 1211, 6-29-81.)

Division II. Permit Requirements and Fees.

§18-5 Eligibility Requirements.

No person will be eligible to receive a permit to work in any Public Way unless said person holds a valid Class A Contractors License, issued by the City Building Inspector and said person has provided either a general or special deposit. Exceptions to the eligibility requirements are as follows:

(a) An individual property owner may perform limited Construction or repair work immediately adjacent to his property without having a Class A contractors License or without providing either a general or special deposit. The Construction or repair work the property owner is limited to is Construction or repair of sidewalks and driveway sections. However, the property owner is still required to obtain a permit from the City Engineer and must perform the Construction or repair work in conformance with the current adopted edition of the City of Gillette Construction Specifications and Design Standards.

(b) City of Gillette maintenance personnel, when performing work for the City, are not required to obtain a permit, nor are they required to have a Class A Contractors License or a deposit. (Ord. 1211, 6-29-81.)

§18-6. Permit Fee.

The permit fee is twenty-five dollars (\$25.00). This fee will cover the cost of inspections and administration by the City. (Ord. 3945, 4/03/18)

§18-7. Compaction Tests with ROW permit.

The minimum number of compaction tests is determined as follows:

- (a) One compaction test for every twenty (20) lineal feet of curb and gutter.
- (b) One compaction test for every two hundred (200) square feet of sidewalk and driveway section.
- (c) One compaction test for every twenty (20) lineal feet of trench excavation for each six (6) feet of depth; or one compaction test for every twenty (20) cubic yards of excavation, whichever is greater.
- (d) The schedule of compaction tests for general construction work shall comply with the the current adopted edition of the City of Gillette Construction Specifications and Design Standards. (Ord. 3945, 4/03/18)

Division III. Corrective Requirements.

§18-8. Corrective Actions

- (a) If the permittee fails to complete the required work within the allowed time or if the work is not done in accordance with City Specifications or City Code, the City will cause the work to be done satisfactorily. The City shall then present a bill to the permittee for the amount expended plus a service charge of 15%.
- (b) Upon receipt of a bill from the City for services performed, the permittee shall make full payment to the City within thirty (30) working days.
- (c) If the permittee does not make full payment within thirty (30) working days, the City shall draft funds from the permittee's general deposit to cover the cost of the work plus the 15% service charge.
- (d) The city shall not issue any further permits to the permittee until all bills for work performed above. are paid in full.

18-9. (Unused) (Ord. 1211, 6-29-81.)

Division IV. Conditions and Construction Requirements

§18-10. Conditions.

The following conditions are in effect regarding the issuance of permits. If any person is found to be not in conformance with one or more of these conditions, a stop work order will be

issued by the City. The stop work order will remain in effect until the conditions are in conformance.

- (a) The person applying for a permit shall state the type of work to be performed, shall give the date when the work will be completed, shall provide a site plan showing the location of the work to be performed and shall provide a one year warranty from the date the work is completed.
- (b) The original or electronic permit shall be kept at the work site during construction. At the request of any city employee the permittee shall display the issued permit.
- (c) The permittee cannot transfer or assign the permit to any other person.
- (d) The permittee may not have more than three (3) active permits at any one time unless permission is obtained from the City Engineer.
- (e) Excavation permits will not be issued for a period of 2 years on streets that have been newly reconstructed. The only exception is in the case of an emergency declared by the City Engineer. When additional underground service utilities are needed on a new street, the permittee will be required to bore the street in order to provide said services.
- (f) One permit may cover more than one excavation provided that one contractor is involved, the work is performed as a continuous operation and the work is in one general location.
- (g) The permittee is responsible for contacting “ONE CALL OF WYOMING” before doing any excavation. Permittee is responsible for damages to underground utilities in accordance with the Wyoming Underground Facilities Notification Act, §§ 37-12-301-306.
- (h) If any public way will be completely obstructed for a period of more than thirty (30) minutes, the permittee shall notify the Police Department, Fire Department, Hospital and local news media of the type of obstruction, the length of time the public way will be obstructed and a map showing the obstructed area with temporary traffic control.
- (i) If any public utility will be out of service for more than five (5) minutes, the permittee shall notify the appropriate persons or agencies who will be affected.
- (j) Any person having an excavation permit for any public way or public easement in the City, shall provide a fence or a barrier around said excavation and shall display a lighted sign at said excavation during the hours of darkness. All barricading and signing shall be done in accordance with the Manual of Uniform Traffic Control Devices (MUTCD) and the Wyoming Supplement to the MUTCD.

(k) If repairs cannot be made due to inclement weather conditions, the permittee shall maintain barricades or the surface of the excavation at his own expense until the complete repair can be made properly. In the case of winter street excavations, cold mix asphalt will be placed in the excavation as often as necessary to maintain a smooth travel surface.

(l) Upon completion and prior to City approval of any permitted work where utility services were provided, the permittee shall contact the Utilities Service Coordinator and provide a sketch showing the location of the new services in relation to property corners or in relation to existing manholes, fire hydrants, or water valves.

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PURPOSE

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- (c) Coordinate with other public and private entities with an interest in the urban forest system. (C.O. 1948, §176; Ord 1861, 10-19-92)

§18-15. Damaging, etc., Street Signs.

It shall be unlawful for any person to damage, deface, or destroy any street or traffic control sign that may be placed to mark a street or to control traffic in the City.

§18-16. Renaming streets.

The official name of any street, avenue, or other public thoroughfare is that name appearing on the plat or other instrument originally dedicating such street to a public use, unless said name is changed by action of the governing body as hereafter provided. The governing body may by resolution change the name of a street, avenue or other public highway when it finds that the name to be changed duplicates another previously used name or when it finds that a change would advance the public interest in promoting clarity and uniformity in street names. The resolution shall state with clarity the affected city subdivision, the name to be changed, the change sought and a short statement explaining the findings of the governing body supporting the change. The city clerk shall keep all such resolutions passed pursuant to this ordinance and shall cause a copy of each to be filed with the clerk of Campbell County and ex-officio recorder of deeds. (Ord. 908, §1, 11-21-77.)

§18-17. Removal of obstructions by owner or occupant of abutting property--
Generally.

(a) It shall be unlawful for any person owning or occupying any property within the city or abutting upon any street thereof to permit any obstruction other than snow to remain upon any sidewalk in front of or adjacent to property so owned or occupied for a period of more than twelve hours after such obstruction has obstructed free passage of such sidewalk. (C.O. 1948, § 250.)

(b) The owners of occupants of any real estate in the city shall be required to remove the snow from the sidewalk adjoining such property within twenty-four hours after the fall of the snow; provided, that only the snow lying on the sidewalks may be pushed into the streets; and provided further that no accumulation of snow from privately owned lands or from parking areas shall be removed and pushed into the street. (Ord. 489, § 1, 2-1-65.)

§18-18. Permitting sidewalks to remain out of repair or unsafe or dangerous.

It shall be unlawful for any owner or occupant of any premises knowingly to permit or suffer any sidewalk abutting on or in front of any building or premises owned or occupied by him to be or to remain out of repair so as to be in any way unsafe or dangerous to travelers thereon.

Any person who shall violate any of the provisions of the first paragraph of this section and any person who, after having received a notice from the building inspector that such sidewalk is out of repair and in an unsafe or dangerous condition, shall fail, neglect or refuse to comply with the requirements of such notice or shall fail, neglect or refuse to put the sidewalk in a safe condition shall be guilty of a misdemeanor. (C.O. 1948, § 245; Ord. 549, § 1, (9-16-68.)

§18-19. Monuments, Property Corners, Reference Points.

Whosoever shall willfully or negligently cause the displacement, removal of or alteration of the location of any monument, property corner or any reference point in the boundary of a tract of land; or deface or alter markings upon any monument, property corner or landmark used for the purpose of designating any point course; or line in the boundary of any tract of land; or break, cut down or remove any monument, landmark or property corner upon which such mark is made shall be guilty of a misdemeanor and be fined not more than \$200.00. (Ord. 1122, 7-21-80.)

§18-20. Retaining Walls.

It shall be unlawful to construct a retaining wall in a public way or a public easement unless approved by the City Engineer in writing. Any retaining wall constructed at or greater than four (4) feet in height requires engineered plans and shall obtain a building permit.

§18-21. Driveways.

All driveway sections shall be installed as far as possible from a street intersection and shall be constructed in accordance with the current adopted edition of the City of Gillette Design Standards and Construction Specifications.

§18-22. Curb and Gutter.

It shall be unlawful for any person to remove only the curb section when reconstructing curb and gutter. The entire curb and gutter section must be removed and replaced in accordance with the current adopted edition of the City of Gillette Design Standards and Construction Specifications. The City Engineer may allow exceptions when he finds the proposed repair procedure adequately protects City streets.

First Reading: July 1, 2025.

Second Reading: July 15, 2025.

PASSED AND APPROVED on Third and Final Reading this 5th day of August 2025.

Shay Lundvall, Mayor

(S E A L)
ATTEST:

Alicia Allen, City Clerk

Published: Gillette News Record
Date: _____
Signed: _____



**CITY OF GILLETTE
CITY COUNCIL**

DATE: July 1, 2025

TITLE:

ORDINANCE 1ST READING

Council Consideration of an Ordinance to Amend Chapter 7, Sections 7-1 through 5, 7-17, 7-18, 7-20 and 7-29 of the Gillette City Code.

SUGGESTED ACTION:

I move for Approval of the Ordinance to Amend Chapter 7, Sections 7-1 through 5, 7-17, 7-18, 7-20 and 7-29 of the Gillette City Code.

PROJECT NUMBER:

NA

CASE BACKGROUND:

An update to Chapter 7 Engineering Code was needed due to Wyoming Department of Environmental Quality (DEQ) chapters 11 and 12 required changes and to help clarify items within today's construction practices. For Sections 7-1 and 7-2, the Public Works and Utilities Advisory Committee (PWUAC) has recommended unanimous approval of the design standards and standard construction specifications changes.

A summary of the modifications are attached for the design standards and standard construction specifications that were updated or modified. The DEQ required updates are mainly updated the section lettering from their standards.

The remaining changes (outside of DEQ requirements) to Chapter 7 and listed below for reference, in no particular order:

1. Updated fonts of Section titles for consistency.
2. Updated table of contents. Adjusted wording for clarity.
3. Updated design standards, specifications, electronic permitting software and storm drainage design manual so they can be amended by resolution in the future. Removed the year from the titles.
4. Public Works and Utilities Advisory Committee (PWUAC) approved recommended changes to design standards and specifications. Wyoming Department of Environmental (Wy DEQ) made updates to their standards so the City had to update our design standards and specifications to

match Wy DEQ updates.

5. Removed the 2010 CAD Standards for design. These standards are outdated and not used anymore.
6. Updated verbiage of “ePlans” to “electronic plan review process”. This will help with correctly calling out any new/updated permitting software in the future.
7. Removed transfer of Plant Investment Fee Credits. This process is difficult to track and is outdated with what it was accomplishing. This process should be discussed on a case by case process in the future before council.
8. Removed Plant Investment Fee Financing. This process is difficult to track and is outdated.
9. Removed Fee in Lieu of Stormwater Detention. This process doesn’t accomplish the benefit of infill development. The amount of money that it charges is out of date and simply isn’t good practice for infill development. Each developed property should detain or retain the additional stormwater flows so as to not flood out their neighbor. Regional detention ponds can be looked at holistically with new subdivisions, just not infill lots. These regional ponds can still be used as per the storm drainage manual for new (larger) developments.

ACTUAL COST VS BUDGET:

NA

STAFF REFERENCE:

Ry Muzzarelli, P.E., Development Services Director

ATTACHMENTS:

[Chapter 7 Proposed Amendments](#)

[Design Standards and Spec Summary of changes](#)

[Chapter 7 accepted amendments](#)

ORDINANCE NO.

AN ORDINANCE TO AMEND CHAPTER 7, SECTIONS 7-1, 7-2, 7-3, 7-4, 7-5, 7-17, 7-18, 7-20 and 7-29 OF THE GILLETTE CITY CODE.

RECITAL: the Governing Body of the City of Gillette desires to amend Chapter 7 Section 7-1 “Adoption of City of Gillette 2017 Standard Construction Specifications”, 7-2 “Adoption of City of Gillette 2017 Design Standards”, 7-3 “Adoption of City of Gillette 2010 CAD Standards”, 7-4 “Adoption of City of Gillette ePlans Electronic Plan Review Process”, 7-5 “Adoption of the 2011 Storm Drainage Design Manual”, 7-17 “System Development Charge and Plant Investment Fee – Water”, 7-18 “Transfer of Plant Investment Fee Credits”, 7-20 “Plant Investment Fee Financing” and 7-29 “Waivers to Stormwater Detention Requirements” and the entire chapter has been modified for consistency, including fonts and titles of the Gillette City Code.

THEREFORE, be it ordained by the governing body of the City of Gillette:

SECTION ONE. Chapter 7 of the Gillette City Code is amended to read as follows (with changes noted in red):

ARTICLE 1

Construction and Design Standards.

- §7-1 ~~Adoption of~~ City of Gillette ~~2017~~ Standard Construction Specifications
- §7-2 ~~Adoption of~~ City of Gillette ~~2017~~ Design Standards
- §7-3 ~~Adoption of City of Gillette 2010 CAD Standards. (unused)~~
- §7-4 ~~Adoption of~~ City of Gillette ~~ePlans~~ Electronic Plan Review Process
- §7-5 ~~Adoption of the City of Gillette~~ 2011 Storm Drainage Design Manual

ARTICLE 2

Alleys and Easements

- §7-6 Alleys and Easements.

Seven i
(Revised ~~19-2025~~ 2021)

§7-7 (unused)

§7-8 (unused)

ARTICLE 3

§7-9 (repealed) (Ord. 3891, 4-19-2016)

ARTICLE 4

Flood Plain Management.

§7-10 Statutory Authorization, Findings of Fact, Purpose And Methods

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§7-11 Definitions

§7-12 General Provisions

§7-13 Administration

§7-14 Provisions For Flood Hazard Reduction

§7-15 Penalties For Noncompliance

ARTICLE 5

Plant Investment Fees

§7-16 Plant Investment Fees - Sewer.

§7-17 System Development Charge and Plant Investment Fee - Water.

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~~§7-18 Transfer Of Plant Investment Fee Credits. (unused)~~

§7-19 Payment For Oversized Water and Sewer Lines.

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~~§7-20 Plant Investment Fee Financing. (unused)~~

ARTICLE 6

Stormwater Management

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Seven ii
(Revised ~~19-2025~~2021)

§ 7-21	Purpose, Findings of Fact, Applicability, Compatibility, Severability and City Storm Drainage Design Manual
§ 7-22	Definitions
§ 7-23	General Prohibitions
§ 7-24	Stormwater Permit Procedures and Requirements
§ 7-25	Stormwater Permit Fees
§ 7-26	Erosion and Sediment Control Inspection
§ 7-27	Requirements for Stormwater Pollution Prevention Plan (SWPPP)
§ 7-28	Maintenance and Repair of Stormwater Detention Facilities
§ 7-29	Waivers to Stormwater Detention Requirements
§ 7-30	Basic Stormwater Detention Design Criteria
§ 7-31	Enforcement and Penalties
§ 7-32	Right to Appeal

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ARTICLE 1

Construction and Design Standards.

§ 7-1. Adoption of the City of Gillette 20205 Standard Construction Specifications.

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The City of Gillette 20250-Standard Construction Specifications prepared by the Department of Engineering of the City of Gillette is hereby adopted by this reference and incorporated herein as amended from time to time and adopted by Gillette City Council per resolution, as if set out in full to regulate construction within the City of Gillette starting January 1, 2021September 1, 2025. One copy shall be available for public inspection at the Office of the City Engineer and the Office of the City Clerk during normal business hours. The Department of Engineering will also provide copies for sale at a reasonable charge to cover the cost of preparation of the volume. (Ord. No. 1674, 3-2-88.; Ord. 3344, 10-4-2004; Ord. 3392, 11-7-2005 effective 1-1-2006; Ord. 3653, 1-4-2010, effective 2-1-2010; Ord 3780, 12-17-2012, effective 1-1-2013, Ord. No. 3914, effective 5-1-2017; Ord. No. 3988, effective 1-1-2021).

§ 7-2. Adoption of the City of Gillette 20205 Design Standards.

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The City of Gillette 20205-Design Standards, prepared by the Department of Engineering of the City of Gillette is hereby adopted by this reference and incorporated herein as amended from time to time and adopted by Gillette City Council per resolution, as if set out in full to regulate the design of public improvements within the City of Gillette. starting January 1, 2021September 1, 2025. One copy shall be available for public inspection at the Office of the City Engineer and the Office of the City Clerk during normal business hours. The Department of Engineering will also provide copies for sale at a reasonable charge to cover the cost of preparation of the volume. (Ord. 1788 03/18/91; Ord. 3344, 10-4-2004; Ord. 3392, 11-7-2005 effective 1-1-2006 Ord. 3653, 1-4-2010, effective 2-1-2010; Ord 3780, 12-17-2012, effective 1-1-2013, Ord. No. 3914, effective 5-1-2017; Ord. No. 3998, effective 1-1-2021).

§7-3 (unused) (Ord. 3676, 5-17-2010)

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7-3. Adoption of City of Gillette 2010 CAD Standards

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The City of Gillette 2010 CAD Standards, prepared by the CAD Standards Committee and the Department of Engineering of the City of Gillette is hereby adopted by this reference and incorporated herein as if set out in full to regulate the submission and review of engineering plans submitted for a City of Gillette Permit to Construct or Permit to Grade within the City of Gillette starting July 1, 2010. One copy shall be available for public inspection at the office of the Department of Engineering and the office of the City Clerk during normal business hours. The Department of Engineering has provided a copy for public review and download on the City's website at <http://www.ci.gillette.wy.us/index.aspx?page=387>. (Ord. 3676, 5-17-2010)

§7-4 Adoption of City of Gillette ePlans Electronic Plan Review Process

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A. The City of Gillette ~~ePlans~~ Electronic Plan Review Process, "~~ePlans~~", ~~as described on the ePlans Electronic submission and Plan Review web site, <http://www.ci.gillette.wy.us/index.aspx?page=920>~~ and all associated documents ~~including the City of Gillette ePlans Electronic Review Applicant User Guide~~, is hereby adopted by this reference and incorporated herein ~~as amended from time to time and adopted by Gillette City Council per resolution~~, as if set out in full to regulate how design documents, including plats, maps and engineering plans will be submitted for review by the City of Gillette. ~~ePlans~~ The electronic plan review process is a computer web-based software application that will be used by design professionals to submit ~~design~~ documents in an electronic digital format. The digital documents will be reviewed by City of Gillette employees who will provide feedback electronically to facilitate thorough, complete and timely review.

Field Code Changed

B. For purposes of illustration but not limitation, the design documents that are subject to the ~~ePlans~~ electronic plan review process requirements include the following items submitted to the following designated City Divisions pursuant to the provisions of other City ordinances.

Planning Division

1. Commercial Site Plans
2. Annexation Plats
3. Sketch Plats
4. Preliminary Subdivision Plats
5. Final Subdivision Plats

6. Development Plans
7. Preliminary PUD Plats
8. Final PUD Plats
9. Easement or Right-of-way Vacations
10. Condominium Plats

Building Inspection Division

1. Commercial Building Permits
2. Residential Building Permits

Engineering Division

1. ROW permit (Excavation, Obstructing Public Ways and Placing anything within the Public Way)
- ~~1.2.~~ Permit to Construct
- ~~2.3.~~ Permit to Grade

C. ~~One copy of the City of Gillette ePlans Electronic Review Applicant User Guide shall be available for public inspection in the Gillette City hall at the office of the Engineering and Building Department and the office of the City Clerk during normal business hours. The Department of Engineering City has provided a "Quick Link" copy of the City of Gillette ePlans Electronic Review Applicant User Guide and electronic permitting software and other related materials for public review and download on the City's website at <http://www.ci.gillette.wy.us/index.aspx?page=920>.~~ (Ord. 3676, 5-17-2010; Ord. 3704, 1-18-2011)

§ 7-5 Adoption of the 2011 City of Gillette Storm Drainage Design Manual

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The City of Gillette ~~2011~~ Storm Drainage Design Manual, prepared by the Department of Engineering of the City of Gillette is hereby adopted by this reference and incorporated herein as amended from time to time and adopted by Gillette City Council per resolution, as ~~if~~ set out in full to regulate the design of public improvements within the City of Gillette starting January 1, 2012. One copy shall be available for public inspection at the office of the Department of Engineering and the office of the City Clerk during normal business hours. The Department of Engineering will also provide copies for sale at a reasonable charge to cover the cost of preparation of the volume. Ord 3780, 12-17-2012, effective 1-1-2013)

ARTICLE 2
Alleys and Easements

§7-6 Alleys and easements.

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A. Alley and easement width. Alleys shall be a minimum of 20 feet in width. Easements for underground electrical, phone, cable TV and natural gas shall be a minimum of 10 feet in width. All other easements for utilities shall be a minimum of 20 feet in width. (Ord. 804, § 3, 11-17-75; Ord. 1903, 9-20-93; Ord. 3344, 10-4-2004; Ord. 3676, 5-17-2010)

B. Installation of utilities; Street distances. Gas lines shall be installed within 5 feet of the odd side of the alley or easement. Other utilities shall be installed within 5 feet of the even side. All installations of gas and other utilities shall be in a straight line at a consistent distance from the center-line of the street, alley or easement, said utilities shall be installed on a uniform arc at a consistent distance from the centerline of the street, alley or easement. (Ord. No. 804, § 3, 11-17-75.; Ord. 3344, 10-4-2004; Ord. 3676, 5-17-2010)

C. Grade. Grade shall be within 6 inches of final grade before installing utilities. (Ord. No. 804, § 3, 11-17-85.; Ord. 3344, 10-4-2004; Ord. 3676, 5-17-2010)

D. Penalty. Persons who make or cause to be made changes in grade after utilities are installed are required to bear the costs associated with the change in grade together with any costs of relocating the utilities. (Ord. No. 804, § 3, 11-17-75.; Ord. 3344, 10-4-2004; Ord. 3676, 5-17-2010)

E. City Property. Installation replacing or repair of pipe lines or conduits upon property including streets, alleys, or other public thoroughfares shall be done under the supervision of the City Administrator or his designee. (Ord. 419, §4.0102; Ord. 774, §§ 1, 2, 3-17-75; Ord. 2050, 6-3-96; Ord. 3344, 10-4-2004; Ord. 3676, 5-17-2010)

F. City Property, Excavations. Excavation on City property shall be of minimum necessary to complete the work. If possible, piping will be drilled under streets, alleys, and sidewalks. (Ord. 419, §4.0102; Ord. 774, §§ 1, 2, 3-17-75; Ord. 2050, 6-3-96; Ord. 3344, 10-4-2004; Ord. 3676, 5-17-2010; Ord 3780, 12-17-2012, effective 1-1-2013)

§7-7 (unused) (Ord. 3676, 5-17-2010)

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§7-8 (unused) (Ord. 3676, 5-17-2010)

ARTICLE 3

§7-9 (repealed) (Ord. 3891, 4-19-2016)
(Ord. No. 1153, 12-1-80; Ord. 3344, 10-4-2004)

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ARTICLE 4

Flood Plain Management.

§7-10 STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND
METHODS Statutory Authorization, Findings of Fact, Purpose and Methods

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SECTION A. STATUTORY AUTHORIZATION

The Legislature of the State of Wyoming has in Wyoming Statutes sections 15-1-103(a) (xi), (xxvii), (xxxi) and (xli) delegated the responsibility of local governmental units to adopt regulations designed to minimize flood losses. Therefore, the Governing Body of the City of Gillette Wyoming does ordain as follows:

SECTION B. FINDINGS OF FACT

(1) The flood hazard areas of Campbell County, Wyoming are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety and general welfare.

(2) These flood losses are created by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities, and by the occupancy of flood hazards areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, floodproofed or otherwise protected from flood damage.

SECTION C. STATEMENT OF PURPOSE

It is the purpose of this ordinance to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

1. Protect human life and health;
2. Minimize expenditure of public money for costly flood control projects;
3. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. Minimize prolonged business interruptions;
5. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;
6. Help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas; and
7. Insure that potential buyers are notified that property is in a flood area.

SECTION D. METHODS OF REDUCING FLOOD LOSSES

1. In order to accomplish its purposes, this ordinance uses the following methods:
2. Restrict or prohibit uses that are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities;

3. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

4. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters;

5. Control filling, grading, dredging and other development which may increase flood damage;

6. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

.(Ord. 2050, 6-3-96; Ord. 3344, 10-4-2004Ord. 3524, 12-3-2007)

§ 7-11. DEFINITIONS Definitions

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

ALLUVIAL FAN FLOODING - means flooding occurring on the surface of an alluvial fan or similar landform which originates at the apex and is characterized by high-velocity flows; active processes of erosion, sediment transport, and deposition; and unpredictable flow paths.

APEX - means a point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

AREA OF SHALLOW FLOODING - means a designated AO, AH, or VO zone on a community's Flood Insurance Rate Map (FIRM) with a one percent chance or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

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AREA OF SPECIAL FLOOD HAZARD - is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A on the Flood Hazard Boundary Map (FHBM). After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into

Zones A, AE, AH, AO, A1-99, VO, V1-30, VE or V.

BASE FLOOD - means the flood having a one percent chance of being equaled or exceeded in any given year.

BASEMENT - means any area of the building having its floor sub-grade (below ground level) on all sides.

CRITICAL FEATURE - means an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

DEVELOPMENT - means any man-made change in improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

ELEVATED BUILDING - means a non-basement building (i) built, in the case of a building in Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, to have the top of the elevated floor, or in the case of a building in Zones V1-30, VE, or V, to have the bottom of the lowest horizontal structure member of the elevated floor elevated above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the floor of the water and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters. In the case of Zones V1-30, VE, or V, "elevated building" also includes a building otherwise meeting the definition of "elevated

building," even though the lower area is enclosed by means of breakaway walls if the breakaway walls met the standards of Section 60.3(e)(5) of the National Flood Insurance Program regulations.

EXISTING CONSTRUCTION - means for the purposes of determining rates, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. "Existing construction" may also be referred to as "existing structures."

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION - means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION- Means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FLOOD OR FLOODING - means a general and temporary condition of partial or complete inundation of normally dry land areas from:

1. the overflow of inland or tidal waters.
2. the unusual and rapid accumulation or runoff of surface waters from any source.

FLOOD INSURANCE RATE MAP (FIRM) - means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY - is the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, water surface elevation of the base flood, as well as the Flood Boundary-Floodway Map.

FLOODPLAIN OR FLOOD-PRONE AREA - means any land area susceptible to being inundated by water from any source (see definition of flooding).

FLOODPLAIN MANAGEMENT - means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

FLOODPLAIN MANAGEMENT REGULATIONS - means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

FLOOD PROTECTION SYSTEM - means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the areas within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

FLOOD PROOFING - means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

FLOODWAY (REGULATORY FLOODWAY) - means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

FUNCTIONALLY DEPENDENT USE - means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

HIGHEST ADJACENT GRADE - means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

HISTORIC STRUCTURE - means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or

4. Individually listed on a local inventory or historic places in communities with historic preservation programs that have been certified either:

- a) by an approved state program as determined by the Secretary of the Interior or;

- b) directly by the Secretary of the Interior in states without approved programs.

LEVEE - means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

LEVEE SYSTEM - means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

LOWEST FLOOR - means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking or vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; **provided** that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of Section 60.3 of the National Flood Insurance Program regulations.

MANUFACTURED HOME - means a structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

MANUFACTURED HOME PARK OR SUBDIVISION - means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

MEAN SEA LEVEL - means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

NEW CONSTRUCTION - means, for the purpose of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for

which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

NEW MANUFACTURED HOME PARK OR SUBDIVISION - means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

RECREATIONAL VEHICLE - means a vehicle which is:

1. built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projections;
3. designed to be self-propelled or permanently towable by a light duty truck; and
4. designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

START OF CONSTRUCTION - (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348)), includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first

alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

STRUCTURE - means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

SUBSTANTIAL DAMAGE - means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT - means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before "start of construction" of the improvement. This includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary conditions or

2. Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure."

VARIANCE - is a grant of relief to a person from the requirement of this ordinance when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by this ordinance. (For full requirements see Section 60.6 of the National Flood Insurance Program regulations.).

VIOLATION - means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the

elevation certificate, other certifications, or other evidence of compliance required in Section 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

WATER SURFACE ELEVATION - means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas. (Ord. 2050, 6-3-96; Ord. 3344, 10-4-2004; Ord. 3524, 12-3-2007)

§7-12 General ~~ENERAL~~ Provisions ~~ROVISIONS~~

SECTION A. LANDS TO WHICH THIS ORDINANCE APPLIES

The ordinance shall apply to all areas of special flood hazard within the jurisdiction of Gillette, Wyoming.

SECTION B. BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD

The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled, "The Flood Insurance Study for Campbell County and incorporated areas," dated January 2, 2008, with accompanying Flood Insurance Rate Maps and Flood Boundary-Floodway Maps (FIRM and FBFM).

SECTION C. ESTABLISHMENT OF DEVELOPMENT PERMIT

A Development Permit shall be required to ensure conformance with the provisions of this ordinance.

SECTION D. COMPLIANCE

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No structure or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of this ordinance and other applicable regulations.

SECTION E. ABROGATION AND GREATER RESTRICTIONS

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

SECTION F. INTERPRETATION

In the interpretation and application of this ordinance, all provisions shall be:

1. considered as minimum requirements;
2. liberally construed in favor of the governing body; and
3. deemed neither to limit nor repeal any other powers granted under State statutes.

SECTION G. WARNING AND DISCLAIMER OR LIABILITY

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions greater floods can and will occur and flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the community or any official or employee thereof for any

flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

(Ord. 2050, 6-3-96; Ord. 3344, 10-4-2004; Ord. 3524, 12-3-2007)

§7-13 AdministrationADMINISTRATION

SECTION A. DESIGNATION OF THE FLOODPLAIN ADMINISTRATOR

The City Engineer is hereby appointed the Floodplain Administrator to administer and implement the provisions of this ordinance and other appropriate sections of 44 CFR (National Flood Insurance Program Regulations) pertaining to floodplain management.

SECTION B. DUTIES & RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR

Duties and responsibilities of the Floodplain Administrator shall include, but not be limited to, the following:

1. Maintain and hold open for public inspection all records pertaining to the provisions of this ordinance.
2. Review permit application to determine whether proposed building site, including the placement of manufactured homes, will be reasonably safe from flooding.
3. Review, approve or deny all applications for development permits required by adoption of this ordinance.
4. Review permits for proposed development to assure that all necessary permits have been obtained from those Federal, State or local governmental agencies (including Section

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404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required.

5. Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Floodplain Administrator shall make the necessary interpretation.

6. Notify, in riverine situations, adjacent communities and the State Coordinating Agency which is Wyoming Office of Homeland Security, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.

7. Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.

8. When base flood elevation data has not been provided in accordance with Gillette City Code §7-12, Section B, the Floodplain Administrator shall obtain, review and reasonably utilize any base flood elevation data and floodway data available from a Federal, State or other source, in order to administer the provisions of Gillette City Code § 7-14.

9. When a regulatory floodway has not been designated, the Floodplain Administrator must require that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

10. Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program regulations, a community may approve certain development in Zones A1-30, AE, AH, on the community's FIRM which increases the water surface elevation of the

base flood by more than one foot, provided that the community **first** applies for a conditional FIRM revision through FEMA (Conditional Letter of Map Revision).

SECTION C. PERMIT PROCEDURES

Application for a Development Permit shall be presented to the Floodplain Administrator on forms furnished by him/her and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to areas of special flood hazard. Additionally, the following information is required:

1. Elevation (in relation to mean sea level), of the lowest floor (including basement) of all new and substantially improved structures;
2. Elevation in relation to mean sea level to which any nonresidential structure shall be floodproofed;
3. A certificate from a registered professional engineer or architect that the nonresidential floodproofed structure shall meet the floodproofing criteria of Gillette City Code § 7-14, Section B(2);
4. Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development.
5. Maintain a record of all such information in accordance with Gillette City Code §7-13, Section (B)(1). Approval or denial of a Development Permit by the Floodplain Administrator shall be based on all of the provisions of this ordinance and the following relevant factors:

1. The danger to life and property due to flooding or erosion damage;

2. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

3. The danger that materials may be swept onto other lands to the injury of others;

4. The compatibility of the proposed use with existing and anticipated development;

5. The safety of access to the property in times of flood for ordinary and emergency vehicles;

6. The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;

7. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;

8. The necessity to the facility of a waterfront location, where applicable;

9. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

10. The relationship of the proposed use to the comprehensive plan for that area.

SECTION D. VARIANCE PROCEDURES

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1. The City of Gillette Board of Adjustment is designated the Appeal Board under this ordinance to hear and render judgment on requests for variances from the requirements of this ordinance.

2. The Appeal Board shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this ordinance.

3. Any person or persons aggrieved by the decision of the Appeal Board may appeal such decision to the District Court of the 6th Judicial District in and for Campbell County, Wyoming, as provided by law.

4. The Floodplain Administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.

5. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this ordinance.

6. Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in Section C(2) of this Article (Gillette City Code §7-13) have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.

7. Upon consideration of the factors noted above and the intent of this ordinance, the Appeal Board may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this ordinance (Gillette City Code §7-10, Section C).

8. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

9. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

10. Prerequisites for granting variances:

a) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

b) Variances shall only be issued upon:

1) showing a good and sufficient cause;

2) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and

3) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

c) Any application to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

11. Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:

- a) the criteria outlined in Gillette City Code §7-13, Section D(1)-(9) are met, and
- b) the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

(Ord. 2050, 6-3-96; Ord. 3344, 10-4-2004; Ord. 3524, 12-3-2007)

~~§7-14 -Provisions~~~~ROVISIONS~~ ~~for~~~~FOR~~ ~~Flood~~~~LOOD~~ ~~Hazard~~~~AZARD~~
~~Reduction~~~~EDUCTION~~

SECTION A. GENERAL STANDARDS

In all areas of special flood hazards the following provisions are required for all new construction and substantial improvements:

1. All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
2. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;
3. All new construction or substantial improvements shall be constructed with materials resistant to flood damage;

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4. All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

5. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

6. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood waters; and,

7. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

SECTION B. SPECIFIC STANDARDS

In all areas of special flood hazards where base flood elevation data has been provided as set forth in (i) Gillette City Code § 7-12, Section B, (ii) Gillette City Code § 7-13, Section B(8), or (iii) Gillette City Code § 7-14, Section C(3), the following provisions are required:

1. **Residential Construction** - new construction and substantial improvement of any residential structure shall have the lowest floor (including basement), elevated to or above the base flood elevation. A registered professional engineer, architect, or land surveyor shall submit a certification to the Floodplain Administrator that the standard of this subsection as proposed in Gillette City Code § 7-13, Section C(1)a., is satisfied.

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2. **Nonresidential Construction** - new construction and substantial improvements of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) elevated to or above the base flood level or together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A

registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained by the Floodplain Administrator.

3. **Enclosures** - new construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

a) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.

b) The bottom of all openings shall be no higher than one foot above grade.

c) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

4. **Manufactured Homes** –

a) Require that all manufactured homes to be placed within Zone A on a community's FHBM or FIRM shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.

b) Require that manufactured homes that are placed or substantially improved within Zones A1-30, AH, and AE on the community's FIRM on sites (i) outside of a manufactured home

park or subdivision, (ii) in a new manufactured home park or subdivision, (iii) in an expansion to an existing manufactured home park or subdivision, or (iv) in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

c) Require that manufactured homes be placed or substantially improved on sites in an existing manufactured home park or subdivision with Zones A1-30, AH and AE on the community's FIRM that are not subject to the provisions of paragraph (4) of this section be elevated so that either:

1) the lowest floor of the manufactured home is at or above the base flood elevation, or

2) the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

5. Recreational Vehicles - Require that recreational vehicles placed on sites within Zones A1-30, AH, and AE on the community's FIRM either:

- a) be on the site for fewer than 180 consecutive days,
- b) be fully licensed and ready for highway use, or
- c) meet the permit requirements of Gillette City Code § 7-13, Section C(1), and the elevation and anchoring requirements for "manufactured homes" in paragraph (4) of this section. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

SECTION C. STANDARDS FOR SUBDIVISION PROPOSALS

1. All subdivision proposals including the placement of manufactured home parks and subdivisions shall be consistent with Gillette City Code §7-10, Sections B, C, and D of this ordinance.

2. All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet Development Permit requirements of Gillette City Code §7-12, Section C; Gillette City Code §7-13, Section C; and the provisions of Gillette City Code §7-14 of this ordinance.

3. Base flood elevation data shall be generated for subdivision proposals and other proposed development, including the placement of manufactured home parks and subdivisions which is greater than 50 lots or 5 acres, whichever is lesser, if not otherwise provided pursuant to Gillette City Code §7-12, Section B or Gillette City Code §7-13, Section B (8) of this ordinance.

4. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.

5. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

SECTION D. STANDARDS FOR AREAS OF SHALLOW FLOODING (AO/AH ZONES)

Located within the areas of special flood hazard established in Gillette City Code §7-12, Section B, are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of 1 to 3 feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:

1. All new construction and substantial improvements of **residential** structures have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified).

2. All new construction and substantial improvements of **non-residential** structures;

a) have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified), or;

b) together with attendant utility and sanitary facilities be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy.

3. A registered professional engineer or architect shall submit a certification to the Floodplain Administrator that the standards of this Section, as proposed in Gillette City Code §7-13, Section C (1)a., are satisfied.

4. Require within Zones AH or AO adequate drainage paths around structures on slopes, to guide flood waters around and away from proposed structures.

SECTION E. FLOODWAYS

Floodways - Located within areas of special flood hazard established in Gillette City Code §7-12, Section B, are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and erosion potential, the following provisions shall apply:

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1. Encroachments are prohibited, including fill, new construction, substantial improvements and other development within the adopted regulatory floodway *unless* it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.

2. If, Section E (1) above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Gillette City Code § 7-14.

3. Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Regulations, a community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the community **first** applies for a conditional FIRM and floodway revision through FEMA.

(Ord. 775, §§ 3, 4, 3-17-75; Ord. 912, 12-19-77; Ord. 2050, 6-3-96; Ord. 3344, 10-4-2004; Ord. 3524, 12-3-2007)

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~~§ 7-15. Penalties for Noncompliance~~ **PENALTIES FOR NONCOMPLIANCE**

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No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violation of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$ 750, for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the City of Gillette from taking such other lawful action as is necessary to prevent or remedy any violation.

(Ord. 912, 12-19-77; Ord. 2050, 6-3-96; Ord. 3344, 10-4-2004; Ord. 3524, 12-3-2007)

ARTICLE 5
Plant Investment Fees

§7-16 Plant Investment Fees - Sewer.

(a) Sewer connections to the sanitary sewer system of the City within the City shall be made only by the City after application for permission for such service is made. There will be charges made as a Plant Investment Fee-Sewer for all connections, determined by reference to the size of the water meter serving the structure, or other use, connected to the sewer system.

(b) The phrase "connections to the sanitary sewer system" as used in this section shall include not only the connections to the primary sewer system of the City, but all feeder lines connected thereto, whether owned privately or by the City.

(c) The City Engineer or his designated representative shall determine the water meter size required for any structure or other use. All plant investment fees shall be paid prior to the issuance of a Building Permit if required, or upon connection and prior to use if no Building Permit is required. (Ord. 3538, 3-3-2008)

(d) The determination of the City Engineer shall be made according to relevant and prevailing engineering standards such as, for copy of which is available for public inspection during normal business hours in the office of the City Engineer.

(e) Renumbered to §17-12 [§ 7-16], effective January 1, 2005, (Ord. 3334, 8-2-2004; Ord. 3344, 10-4-2004)

(C.O. 1948, § 110; Ord. 376, § 1, 10-3-49; Ord. 426, §1, 6-1-59; Ord. 593, § 1, 9-30-69; Ord. 607, § 1, 2, 12-23-69; Ord. 616, §1, 4-6-70; Ord 672, §§ 1, 2, 5-1-72; Ord 756, § 1, 8-27-74; Ord. 757, § 1, 8-27-74; Ord. 830, §§ 1, 2, 7-19-76; Ord. 848, 10-18-76; Ord. 1079, §2, 4-7-80, Ord. 1500, 11-21-83, Ord. 1578, 2-19-85; Ord. 2050, 6-3-96; Ord. 3334, 8-2-2004; Ord. 3344, 10-4-2004)

§7-17 System Development Charge and Plant Investment Fee - Water.

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(a) The Gillette Regional Water Supply System includes water supply facilities, infrastructure, and components necessary to provide water supply to the City of Gillette and Wholesale Customers within a Designated Service Area (DSA), as defined by the Gillette Regional Water Supply System Joint Powers Agreement (JPA), dated December 21, 2010. A System Development Charge (SDC) will be charged for every new connection, including new Wholesale Customers who have executed a Water Services Agreement, to the Gillette Regional Water Supply System, provided that Wholesale Customers listed in Exhibit C to the JPA shall not be charged a SDC for their initial connection to the Gillette Regional Water Supply System. A SDC will be charged for any additional connection to the Gillette Regional Water Supply System through any Wholesale Customer. Any new connections to the City of Gillette Distribution System shall pay a Plant Investment Fee – Water (PIF-W). (Ord. 3887, 4-19-2016)

(b) The phrase "connections to the Gillette Regional Water Supply System" as used in this section shall include connections to the City of Gillette Distribution System, and all connections by Wholesale Customers and any individual connections to their systems. (Ord. 3887, 4-19-2016)

(c) The City Engineer or his designated representative shall determine the water meter size required for all connections to the Gillette Regional Water Supply System. All SDCs, meter costs, permit fees and PIF-W fees shall be paid prior to the issuance of a Building Permit if required, or upon connection and prior to use if no Building Permit is required. (Ord. 3538, 3-3-2008; Ord. 3887, 4-19-2016)

(d) The determination of the City Engineer shall be made according to relevant and prevailing engineering standards such as, for purposes of example but not limitation, the A.W.W.A. Manual #22, a copy of which is available for public inspection during normal business hours in the office of the City Engineer.

(e) Renumbered to §17-12,[§17-17] effective January 1, 2005, (Ord. 3334, 8-2-2004)

(Ord. 1314, 2-1-82, Ord. 1578, 2-19-85, Ord. 2041, 5-6-96; Ord. 2050, 6-3-96; Ord. 3334, 8-2-2004; Ord. 3344, 10-4-2004; Ord. 3887, 4-19-2016)

~~§7-18 (unused) (C.O. 1948, §123, Ord. 593, §3, 9-30-69; Ord. 756, §3, 8-27-74; Ord. 948, §1, 7-5-78; Ord. 2097, 4-21-97; Ord. 3344, 10-4-2004; Ord. 3622, 5-18-2009).~~

~~§7-18 — Transfer Of Plant Investment Fee Credits.~~

~~A. — Plant Investment Fee Credits may be transferred according to the terms of this ordinance.~~

~~1. Disconnection of Existing Connections~~

~~— If any existing connection to the city water or sanitary sewer system is discontinued, the owner of the facility served by that connection, hereinafter the petitioner, may petition the Gillette City Council for its permission to reconnect to the city system for the same size and type of services as discontinued for no cost other than actual installation costs, if those costs are charged for the type and size of connection being made.~~

~~2. Transfer of Unexpired PIF credits.~~

~~— If any Developer has unexpired PIF credits approved under prior ordinances, in excess of the PIFs due in his project for off site or oversized water or sewer utility lines the Developer who is the owner of the unexpired PIF credits, hereinafter the petitioner may petition the Gillette City Council for its permission to transfer the unexpired PIF credit(s) to another location within the City limits. It is the legislative intent that this Ordinance shall apply to all existing unexpired PIF credits, but this Ordinance shall not revive any claims for PIF credits which have expired.~~

~~From the date the PIF credits were approved, the developer shall have eight years in which to apply his credit against PIFs and all excess PIF credits shall expire at the end of the original eight year period. If lots within the project whose PIFs have been offset by PIF credits are not connected to the City water and Sewer lines within the original eight year period, then the credit offset will expire and full PIFs will be charged for those lots. If lots whose PIFs have been satisfied by transferred PIF credits are not connected to the City water and Sewer lines within the original eight year period, then the transferred PIF credits will expire and full PIFs will be charged for those~~

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~~lots. PIF credits will only be allowed to transfer one time from the original project that created the PIF credits.~~

~~3. Transfer of Subdivision Utilities.~~

~~Existing subdivisions which convey water wells including water rights or other similar improvements to the City with the consent of the City, will also receive a further credit to offset the individual plant investment fees due. In order to allow a reduction in the plant investment fee due, the City Council must adopt a Resolution describing the water and or sewer utility to be acquired in detail and listing the value of the improvements for plant investment fee recovery purposes and the amount of the approved credit. Nothing herein shall be construed as requiring the City to accept any particular improvements for credit purposes and the decision whether or not to accept any particular improvements is vested in the City's sole discretion. PIF credits approved under this section are not transferable.~~

~~B. — The petitioner shall submit a written request to the City Administrator or his designated representative which shall indicate his name and address, and a description of his request including supporting information.~~

~~1. — In the case of a transfer of a discontinued connection, the Petitioner shall provide information about the form of ownership of the facility currently serviced, its address, the size and type of service, the date the service was installed, the use made of the facility, the address of the new service location, size and type of the anticipated new service, use of the new facility and a short explanation of why the transfer is desired.~~

~~2. — In the case of a transfer of unexpired excess PIF credits, the Petitioner shall provide the date of council acceptance of the lines which gave rise to excess credits, the amount of the credit remaining after all PIFs within the project have been credited against the PIF credits, the expiration date of the PIF credits and the service location to which the credits would be transferred.~~

~~C. — The City Administrator or his designated representative shall review the request, with the assistance of the City Engineer and the Director of the Department of Community Development and shall prepare written recommendations and shall submit them with the request and any other relevant materials to the Council for their approval or denial. In reviewing the request, the factors to be considered include encouraging the upgrading of buildings in the City by creating and continuing an incentive to acquire and redevelop older buildings in the case of the transfer of discontinued service transfers and the redistribution of population density and land use types to achieve increased intercompatibility of mixed uses by permitting the transfer of existing connection credits to new applications. In the case of excess PIF credit transfers, additional factors to be considered include granting subdividers an increased opportunity to use the PIF credits generated by their development activities and encouraging economic development within the City limits.~~

~~D. — The decision to approve or deny a request shall rest in the sole discretion of the City Council and their decision shall be in the form of a resolution which shall set forth in particularity the scope of their decision. (C.O. 1948, § 123, Ord. 593, §3, 9-30-69; Ord. 756, §3, 8-27-74; Ord. 948, §1, 7-5-78; Ord. 2097, 4-21-97; Ord. 3344, 10-4-2004; Ord. 3622, 5-18-2009)~~

§7-19 Payment For Oversized Water and Sewer Lines

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A. Whenever sewer or water lines are constructed which are oversized at the request of the City Engineer to permit more connections than those to be made within the subdivision being primarily served, (hereinafter the project) that developer shall be paid for the incremental cost of the oversized sewer or water line at the time the sewer or water lines are accepted by the City.

B. To be eligible for an oversizing payment, the sewer or water line must be capable of serving users outside the project, as a result of over-sizing alone or in conjunction with other design elements and the improvements must conform to the specifications, standards and regulations of the City Engineer. If the sewer or water lines connect the project to the City system across intervening land which is not a part of the project none of the extra cost of that off-site portion of the line or lines is recoverable. Only the base construction and design costs, as described above, of the extra capacity of oversize lines within the project are recoverable. All base

construction and design costs are determined by the City Engineer through consultation with the developer and his agents and a review of all relevant cost items. The developer shall competitively bid the water and sewer improvements for both the oversized improvements and improvements without oversized and submit the bid tabulations for review by the City Engineer to determine the incremental cost of oversized.

C. If the over-size lines are constructed through the formation of a Local Improvement District in compliance with state law the incremental cost of the oversized, as determined by the City Engineer shall be applied against the cost of the improvements to reduce the amount of the construction cost for purposes of calculating the assessments.

(Ord. 972, 10-23-79, Ord. 989, 5-7-79, Ord. 1095, 5-5-80, Ord. 1159, 1-5-81 Ord. 1208, 6-15-81, Ord. 1397, 10-4-82, Ord. 1506, 12-19-83; Ord. 1604, 9-16-85; Ord. 2097, 4-21-97; Ord. 3344, 10-4-2004; Ord. 3622, 5-18-2009)

~~§7-20 (unused) (Ord. 1644, 2-16-87; Ord. 2050, 6-3-96; Ord. 3344, 10-4-2004)~~

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~~§7-20 — Plant Investment Fee Financing.~~

~~—— (a) — A person, corporation or association liable for the payment of Plant Investment fees, meeting as a minimum all of the qualifications of the following part (b) may petition the City Administrator for the option of spreading the payments over three years for fees between \$20,000 and \$40,000 and five years for fees over \$40,000 at an interest rate per annum on the unpaid balance to be determined at the time the note is executed, based on the interest rate on the most recent local improvement district bond sale. The qualifying person shall make equal annual principal payments on the anniversary of the date of the note was signed, with interest due at the same time on the unpaid balance. Prepayment in whole or in part is permissible, but shall not waive or excuse the requirement of any annual payment. A note shall be executed by the qualifying person on forms supplied by the City of Gillette securing the payments as described above of Plant Investment Fees.~~

~~—— (b) — To qualify for the provisions of the foregoing part (a), it is necessary that:~~

____ (i) _____ The total Plant Investment Fee, pursuant to §5-77 and §5-78 [§7-16 and §7-17] G.C.C. exceeds \$20,000.00; and

____ (ii) _____ The project be completely under a single, unified ownership co-extensive with the various uses and facilities giving rise to the fee amount specified in (i) above.

____ (iii) _____ A letter of credit from a bank or similar equivalent financial institution for the total amount of the note plus interest shall be delivered to the City to secure payment of the note at the time the note is delivered. The entire letter of credit, including accrued interest shall be immediately due and payable upon any default in any payment due on the note. (Ord. 1644 2-16-87; Ord. 2050, 6-3-96; Ord. 3344, 10-4-2004)

ARTICLE 6
Stormwater Management

~~§ 7-21. — PurposePURPOSE, FindingsINDINGS ofOF FactACT, ApplicabilityPPPLICABILITY, CompatibilityOMPATIBILITY, SeverabilityEVERABILITY andAND CityITY StormTORM DrainageRAINAGE DesignESIGN ManualANUAL~~

The City of Gillette establishes this set of water quality and quantity policies applicable to all surface waters to provide reasonable guidance for the regulation of stormwater runoff for the purpose of protecting local water resources from degradation.

SECTION A. PURPOSE

The purpose of this article is to establish minimum stormwater management requirements and controls to protect and safeguard the general health, safety, and welfare of the public residing in watersheds within this jurisdiction. This article seeks to meet that purpose through the following objectives:

1. Minimize increases in stormwater runoff from any land disturbing activities in order to reduce flooding, siltation and stream bank erosion, and maintain the integrity of stream channels.
2. Minimize increases in non-point source pollution caused by stormwater runoff from land disturbing activities which would otherwise degrade local water quality.
3. Minimize the total annual volume of surface water runoff which flows from any group of development sites, sub-watersheds, or watershed through the use of established stormwater volume control techniques as detailed in the Storm Drainage Design Manual.
4. Reduce stormwater runoff rates and volumes, soil erosion and non-point source pollution, wherever possible, through stormwater management controls and ensure that these stormwater management controls are properly maintained such that they pose no threat to public health and safety.

SECTION B. FINDINGS OF FACT

It is hereby determined that:

Stormwater runoff contributes to increased quantities of water-borne/non-point source pollutants. Land disturbing activities and associated increases in impervious cover alter the hydrologic response of local watersheds and increase stormwater runoff rates and volumes, flooding, stream channel erosion, and sediment transport and deposition. Stormwater runoff from commercial, industrial and residential activities further contributes to pollutant loading and

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increases water volume. These impacts on water quality, soil erosion and nonpoint source pollution can be controlled and minimized through the regulation of stormwater runoff.

Therefore, the City of Gillette establishes this set of water quality and quantity policies applicable to all surface waters to provide reasonable guidance for the regulation of stormwater runoff for the purpose of protecting local water resources from degradation. It is determined that the regulation of stormwater runoff discharges from land development projects, construction activities, and existing urban activities is necessary in order to control and minimize increases in stormwater runoff rates and volumes. The regulation of soil erosion, stream channel erosion, and non-point source pollution associated with stormwater runoff is in the public interest to help prevent threats to public health and safety.

SECTION C. APPLICABILITY

This Article shall be applicable to the entire City of Gillette covering all subdivisions, developments, site plans, residential building permit applications, as well as existing residential, commercial, industrial, and institutional properties, unless eligible for an exemption or granted a waiver by the City of Gillette.

SECTION D. COMPATIBILITY

This Article is not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law. The requirements of this article should be considered minimum requirements, and where any provision of this Article imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher protective standards for human health or the environment shall be considered to take precedence.

SECTION E. SEVERABILITY

If the provisions of any article, section, subsection, paragraph, subdivision or clause of this Article shall be judged invalid by a court of competent jurisdiction, such order or judgment shall not affect or invalidate the remainder of any article, section, subsection, paragraph, subdivision or clause of this article.

SECTION F. CITY STORM DRAINAGE DESIGN MANUAL

In Chapter 7, Section 7-5 of Gillette City Code, the City of Gillette has developed and adopted additional policy, criteria, and information, including technical specifications and standards, for the proper implementation of the requirements of this Article and provides such information in the form of a Storm Drainage Design Manual.

The manual may be updated and expanded from time to time, at the discretion of the City of Gillette, based on improvements in engineering, science, monitoring and local maintenance

experience. Stormwater Management practices must be designed and constructed in accordance with the design and sizing criteria outlined in the Storm Drainage Design Manual.

One copy of the manual shall be available for public inspection at the office of the Engineering Division and the office of the City Clerk during normal business hours. The document will also be available to download free of charge on the City's website. (Ord. 3891, 4-19-2016)

§ 7-22. Definitions

1. Applicant means a property owner or agent of a property owner who has filed an application for a stormwater management permit.
2. Best Management Practices (BMPs) shall mean structural or engineered control devices and systems to treat stormwater, which may be temporary or permanent in nature. BMPs may also be non-structural, operational or procedural practices, such as schedules of activities, prohibitions of practices, maintenance procedures, and/or other management practices to prevent or reduce erosion and sediment runoff.
3. Certificate of Termination (COT) means documentation issued by the City Engineer or Chief Building Official of the City of Gillette terminating stormwater permit coverage once construction activities are complete.
4. Channel means a natural or artificial watercourse with a definite bed and banks that conveys continuously or periodically flowing water.
5. City of Gillette shall mean a representative or designee of the City of Gillette to include persons from the Department of Development Services.
6. City of Gillette Engineer shall mean the person currently employed by City of Gillette to serve as City Engineer, or their designee.
7. Dedication means the deliberate appropriation of property by its owner for general public use.
8. Design Professional means a person such as a land surveyor, engineer, architect or other person who has knowledge or training of the application of design principles related to stormwater pollution prevention plans. (Design Professionals are recommended but not required for individual residential lots.)
9. Developer means a person who undertakes land disturbance and/or development activities.
10. Development shall mean a planning or construction project involving substantial property improvement and, usually, a change of land-use character within the site; the act of using land for building purposes.

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11. Engineer shall mean a person licensed as a Professional Engineer in the State of Wyoming.
12. Erosion means the wearing away of land as caused by development activities that exceeds the natural processes by which the surface of the land is worn away by the action of water, wind, or chemical action.
13. Fee in Lieu means a payment of money, by way of variance approval, in place of meeting all or part of the Stormwater Management standards. The standards and variances are as outlined by this Article and the Storm Drainage Design Manual.
14. Final Stabilization means a uniform perennial vegetative cover with a density of at least 70% of the native background cover that has been established on all disturbed areas that have not been paved over or covered by permanent structures. This, in part, may include any required landscaping for development.
15. Impervious Cover means those surfaces that cannot effectively infiltrate rainfall (e.g., building rooftops, pavement, sidewalks, driveways, etc).
16. Industrial Stormwater Permit means a National Pollutant Discharge Elimination System (NPDES) permit issued to a commercial industry or group of industries which regulates the pollutant levels associated with industrial stormwater discharges or specifies on-site pollution control strategies.
17. Infiltration means the process of percolating stormwater into the subsoil.
18. International Residential Code (IRC) is a comprehensive, stand-alone residential code adopted by the City of Gillette that creates minimum regulations for one and two family dwellings and townhomes of three stories or less. The IRC is the adopted building code for the incorporated areas of the City of Gillette providing for the regulation of the erection, construction, enlargement, alteration, repair, moving, demolition, conversion, occupancy, use, height and area of all buildings and structures.
19. International Building Code (IBC) shall apply to the construction, alteration, relocation, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures. The scope includes all buildings except detached one- and two-family dwellings and townhouses up to three stories.
20. Jurisdictional Wetland means an area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.
21. Land Disturbance Activity means any activity which changes the volume or peak flow discharge rate of rainfall runoff from the land surface. This may include the grading, digging, cutting, scraping, or excavating of soil, placement of fill materials, paving, construction, substantial removal of vegetation, or any activity which bares soil or rock or involves the diversion or piping of any natural or man-made watercourse.

22. Landowner means the legal or beneficial owner of land, including those holding the right to purchase or lease the land, or any other person holding proprietary rights in the land.
23. Municipal Separate Storm Sewer System (MS4) shall mean a conveyance or system of conveyances, including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains, that is designed or used for collecting or conveying stormwater; not privately owned; not a combined sewer; and not part of a Publically Owned Treatment Works (POTW).
24. Non-point Source Pollution means pollution from any source other than from any discernible, confined, and discrete conveyances, and shall include, but not be limited to, pollutants from agricultural, silvicultural, mining, construction, subsurface disposal and urban runoff sources.
25. Notice of Intent (NOI) serves as the application for permit coverage under WYDEQ Construction General Permit.
26. Notice of Termination (NOT) means the termination of permit coverage associated with construction activity under the Wyoming Stormwater General Permit.
27. Notice of Transfer and Acceptance (NOTA) means the form submitted by the current and future Permittee to the City of Gillette when the responsibility for controlling the stormwater discharges for a construction activity transfers from one operator to another. This form is also used to acknowledge the mutual agreement and acceptance between a homebuilder and a homebuyer that the final stabilization requirements have not been met and that they are being conveyed from one party to the other.
28. Off-Site Facility means a stormwater management measure located outside the subject property boundary described in the permit application for land development activity.
29. Outfall shall mean the point or location where stormwater runoff discharges from a conduit, stream or drain, storm sewer, channel, or detention/retention facility.
30. Permittee shall mean the "person responsible for the land-disturbing activity" or who has ownership interest in the property.
31. Person shall mean, except to the extent exempted from this Article, any individual partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, city, town, county or other political subdivision of the State, any interstate body or any other legal entity conducting land-disturbing activities subject to this article.
32. Qualified Personnel is a person who is familiar with the requirements of the SWPPP, permit conditions and the proper operation and maintenance of all implemented BMPs.
33. Receiving Waters means bodies of water that receive runoff or wastewater discharges, such as rivers, streams, lakes, estuaries, and ground water.
34. Recharge means the replenishment of underground water reserves.

35. Re-development means any construction, alteration or improvement of 2,500 square feet or more in areas where existing land use is high density commercial, industrial, institutional or multi-family residential.
36. Site shall mean the entire area of the land-disturbing activities as proposed in the permit application.
37. Soil Stabilization means either final or temporary stabilization of disturbed areas that are initiated immediately whenever any clearing, grading, excavating or other earth disturbing activities have permanently ceased on any portion of the site, or temporarily ceased on any portion of the site and will not resume for a period exceeding fourteen (14) calendar days.
38. Stop Work Order means an order issued which requires that all construction activity on a site be stopped.
39. Stormwater Discharger and/or Permittee means any person responsible for a construction site, industrial facility or a person who owns or controls personal property or equipment that impacts the quality of stormwater discharges, either by increasing the quantity/volume and/or conveying pollutants via stormwater runoff which flows directly to the MS4.
40. Stormwater Maintenance Agreement is a legally recorded document that acts as a property deed restriction, and which provides for long-term maintenance of permanent stormwater management practices.
41. Stormwater Management means the use of structural or non-structural practices that are designed to reduce stormwater runoff pollutant loads, discharge volumes, and/or peak flow discharge rates.
42. Stormwater Pollution Prevention Plan (SWPPP) shall mean the document required by the City of Gillette as part of any land disturbing activity of 2,500 square feet or more which addresses the temporary and permanent Stormwater Management activities or BMPs. The WY DEQ minimum requirements for a SWPPP shall be considered as meeting the SWPPP requirements of the City.
43. Stormwater Runoff means flow on the surface of the ground resulting from precipitation.
44. Watercourse means a permanent or intermittent stream or other body of water, either natural or man-made, which gathers or carries surface water.
45. Wyoming Department of Environmental Quality (Wyoming DEQ) Agency responsible for enforcing the Clean Water Act in the State of Wyoming.
46. Wyoming Pollutant Discharge Elimination System (WYPDES) means the program established by the federal Clean Water Act to regulate the discharge of pollutants into surface waters of the State of Wyoming.

(Ord. 3891, 4-19-2016)

§ 7-23. ~~General~~ ~~GENERAL~~ Prohibitions ~~PROHIBITIONS~~

1. No person, site or facility shall discharge, cause, permit, or contribute to the discharge of any of the following to the municipal storm sewer system or receiving waters except where approved by the City of Gillette and Wyoming DEQ:
 - a. Any liquid, solid, or gas which by reason of its nature or quantity are flammable, reactive, explosive, corrosive, or radioactive or by interaction with other materials could result in fire, explosion or injury;
 - b. Any solid or viscous materials that could cause obstruction to the flow or operation of the municipal storm sewer system;
 - c. Any pollutant that injures or constitutes a hazard to human, animal, plant, or fish life, or creates a public nuisance;
 - d. Any medicinal, infectious, toxic, or hazardous material or waste.
2. No person, site or facility shall discharge into or connect any pipe or channel to a local watercourse or modify a watercourse unless a written permit has first been obtained from the City of Gillette and all other applicable, state and federal jurisdictions.
3. No person, site or facility responsible for new development, significant re-development or construction sites shall fail to use Best Management Practices, as approved in the SWPPP, to control the discharge of pollutants, as defined in the State of Wyoming DEQ Water Quality Rules and Regulations, in stormwater runoff to the municipal separate storm sewer system or its receiving waters.
4. No political subdivision or any person subject to the authority of a political subdivision that discharges, contributes or allows the discharge or contribution of stormwater directly or indirectly to the municipal separate storm sewer system of the City of Gillette shall fail to use Best Management Practices, as approved by the SWPPP, to control the discharge of pollutants and volume of flow in such discharges.
5. No person, site or facility shall allow excessive fugitive dust emission which causes or has the potential of entering public rights-of-way or causes or has the potential to cause harm to public or private property.
6. No person shall construct, use, maintain or continue existence of illicit connections to the storm drain system.
 - a. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
 - b. A person is considered to be in violation of this article if the person connects a line conveying sewage to the MS4, or allows such a connection to continue.

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7. Exemptions from Discharge Prohibitions

The following discharges are exempt from this article:

- a. Discharges specified in writing by the authorized enforcement agency as being necessary to protect public health and safety.
- b. Dye testing is an allowable discharge, but requires a verbal notification to the authorized enforcement agency prior to the time of the test.
- c. The prohibition shall not apply to any non-stormwater discharge permitted under a WYPDES and/or NPDES permit, waiver, or waste discharge order issued to the Discharger and administered under the authority of the Federal Environmental Protection Agency, provided that the Discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.
- d. Discharge or connection regulated under an Industrial Stormwater WYPDES Permit provided that the Discharger is in compliance with all requirements of the Permit issued to the Discharger, administered by the Wyoming DEQ, and all other applicable laws and regulations.
- e. Discharges from the following activities, unless identified by the City of Gillette or Wyoming DEQ as significant sources of pollutants to surface waters of the State:
 - i. Waterline flushing;
 - ii. Landscape irrigation, general irrigation, or lawn watering;
 - iii. Diverted stream flows;
 - iv. Rising ground waters;
 - v. Uncontaminated ground water infiltration other than wastewater that enters a sewer system, including sewer service connections and foundation drains, from the ground through such means as defective pipes, pipe joints, connections, or manholes. Infiltration does not include, and is distinguished from, inflow;
 - vi. Uncontaminated pumped ground water;
 - vii. Discharges from potable water sources;
 - viii. Foundation and footing drains;
 - ix. Air conditioning condensation;

- x. Non-commercial vehicle washing;
- xi. Flows from riparian habitats and wetlands;
- xii. De-chlorinated swimming pool discharges;
- xiii. Street wash water;
- xiv. Discharges or flows from firefighting and emergency response activities.

8. Notification of Spills

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation has information of any known or suspected release of hazardous substances or pollutants as defined in the State of Wyoming DEQ Water Quality Rules and Regulations or any illegal discharges discharging into the storm drain system, or waters of the state, the said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous substances, said person shall immediately notify Wyoming DEQ and any other required Emergency Response Agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials or other illicit discharges, said person shall notify the Wyoming DEQ and any other responsible Emergency Response Agencies and follow up with the City of Gillette in person or by phone or email no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the City of Gillette within three business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

(Ord. 3891, 4-19-2016)

§ 7-24. -StormwaterTORMWATER PermitERMIT ProceduresROCEDURES andAND RequirementsEQUIREMENTS

1. Permit Required

The City of Gillette has developed a set of stormwater permitting standards that must be met on any construction activity disturbing 2,500 or more square feet of land and that is also required to operate under one of the following City permits; City Building Permit, City Permit-to-Construct, or City Grading Permit.

2. Permit Exemptions

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The following activities may be exempt from the stormwater permitting criteria unless they are found to be adversely impacting stormwater runoff, or otherwise found to be noncompliant with the terms of this Article:

- a. Any agricultural activity, as well as common residential gardening practices;
- b. Additions or modifications to existing single family structures disturbing less than 2,500 square feet of land;
- c. Land disturbing activities that disturb less than 2,500 square feet of land, provided they are not part of a larger common development plan, even though multiple separate and distinct land development activities may take place at different times on different schedules;
- d. Repairs to any stormwater facilities deemed necessary by the City of Gillette;
- e. Land disturbance activities permitted by the City prior to the effective date of this Article;
- f. Land disturbance activities that are permitted under a City Street Cut or Right-of-Way Permit as outlined under Chapter 18 of the Gillette City Code. These projects shall be responsible for erosion and sediment control under the terms of that permit;
- g. City capital construction projects that are managed under City contract and under WYPDES permitting;
- h. WY DOT administered projects within the City that are managed under WY DOT contract and WYPDES permitting.

No landowner or applicant shall receive any of the Building, Grading, Permit-to-Construct, or other land development permits required for land disturbance activities without meeting the requirements of this Article prior to commencing with the proposed activity.

Site disturbances greater than one acre also require a Construction General Permit from the State of Wyoming DEQ. The City of Gillette's requirements for sites greater than one acre are in addition to the requirements of state and federal agencies.

3. Application Requirements

Unless specifically excluded by this article, any landowner or applicant requiring authorization for a land disturbance activity of 2,500 square feet or more shall submit to the City of Gillette a Stormwater Permit Application form provided by the City for that purpose.

A complete permit application form must also include the following:

- a. SWPPP
- b. Copy of Notice of Intent (NOI) submitted to the State as applicable to the requirements of the State of Wyoming (Wyoming DEQ)
- c. Non-refundable Permit Review Fee

4. Application Procedure

Permit applications for land disturbance activity must be filed with the City of Gillette and can be made on any regular business day. In general, the City of Gillette shall inform the applicant whether the application and plan are approved or disapproved within fifteen (15) business days of the receipt of a complete permit application, including all documents as required by this article. If the permit application and SWPPP are disapproved, the applicant may revise the permit application. If additional information is submitted, the City of Gillette shall inform the applicant that the permit application is either approved or disapproved generally within 15 business days from the date the additional information is received. Any additional submittals or plan changes will require additional review fees. If the permit application, including the SWPPP, is approved by the City of Gillette, all appropriate land disturbance activity permits under jurisdiction of the City may then be issued.

5. Permit Duration

Permits issued under this section shall be valid from the date of issuance through the date of anticipated completion as indicated on the Permit Application, but in no case longer than 12 months for single family residential construction with no more than one 12 month extension allowable with the applicable extension fee having been submitted. For subdivisions and commercial or industrial land development, the permit duration shall be 24 months with no more than one 12 month extension with the applicable extension fee having been submitted.

6. Permit Transfer

When the responsibility for controlling the stormwater discharges for a land disturbance activity changes from one Permittee to another, the current and future Applicant/Permittee shall submit a completed Notice of Transfer and Acceptance (NOTA) form to the City of Gillette. The form must be signed by both parties and shall be submitted to the City of Gillette within 14 days of the change in Permittee. The NOTA form is available from the City.

The new Permittee must comply with all conditions in this permit and with all provisions of the existing SWPPP until such time that the existing SWPPP is amended or replaced by a new SWPPP.

The new Applicant/Permittee may develop and implement a new SWPPP for their parcel(s) that meets all the terms and conditions of this permit, or adopt and continue to implement the original SWPPP provided it is adequate for the new activities occurring on-site. With either option, the Permittee shall ensure, either directly or through coordination with other Permittees that their SWPPP meets all terms and conditions of permit coverage and their activities do not interfere with another party's erosion and sediment control practices.

7. Exceptions to Permit Transfers

For the transfer of properties within a development (e.g., an original developer sells portions of the property to various homebuilders), the new Applicant must obtain their own permit coverage for their activity on that property. The Stormwater Permit shall be obtained prior to or in conjunction with the applicable Building Permit(s) and must be obtained at the time of property transfer. The overall development property will remain active under that Permittee until the conditions of this ordinance are met for Permit termination. Permit transfers would not apply under these circumstances.

For the transfer of properties between a homebuilder and a single family residence homeowner, the homebuilder must obtain signature of the homebuyer on the City provided Notice of Transfer and Acceptance Form. By signing the NOTA, the homebuilder and homeowner are mutually acknowledging that soil stabilization measures are in place, however, that the final stabilization requirement of the property is not yet met. The NOTA also gives notice that it is the homebuyer's responsibility under the language of this ordinance to establish final stabilization by either sod, seeding, landscaping, or other applicable combination of final stabilization measures as outlined in the City's Storm Drainage Design Manual. The homeowner shall have twelve (12) months from the time of signing the NOTA to meet the final stabilization requirement.

8. Permit Termination

When all land disturbing activities are complete and final stabilization and/or required landscaping has been established, the Permittee shall complete a Certificate of Termination (COT) form obtained from the City of Gillette. If covered under the WYPDES Large Construction General Permit, Permit holders are also required to submit a copy of the Wyoming DEQ Notice of Termination (NOT) to the City of Gillette.

The City of Gillette will then conduct a final inspection and issue a Certificate of Termination if conditions of the permit have been met and all stormwater management practices have passed inspection.

If compliance is not met, the City will notify the permit holder to remedy the remaining issues and to request a new final inspection once complete. A COT will only be issued

after the City of Gillette has conducted a final inspection and all stormwater management practices have passed final inspection requirements.

Exception to final stabilization requirement for Permit Termination: At the point of property transfer and signing of the NOTA by a single family residence homebuyer and a homebuilder, the homebuilder is also acknowledging compliance with all other requirements of the Permit, including temporary soil stabilization, and can terminate their Permit through the function of the NOTA form and upon final inspection of the site by the City. Final stabilization under this circumstance becomes the homebuyer's responsibility.

(Ord. 3891, 4-19-2016)

§ 7-25. ~~Stormwater~~~~TORMWATER~~ Permit~~ERMIT~~ Fees~~EES~~

1. Stormwater Permit Fees

The fee for a stormwater permit for any land disturbing application shall be established by the City of Gillette and shall be based on the number of units for Single Family Dwellings, and on the area of disturbance for Subdivisions and Commercial and Industrial Development.

The fees shall be set forth as follows:

Stormwater Permit Fee Schedule			
Subdivisions			
	Area of Disturbance		Permit Fee
	<5 acres		\$100
	5 acres or more		\$0*
Commercial and Industrial Developments			
	<5 acres		\$100
	5 acres or more		\$0*
Permit Extension Fee for all above Permits			\$250
*\$200-\$500 WYDEQ Large Construction General Permit fees apply			
Single Family Dwelling Permits (as defined by IRC)			
Dwelling Units			\$30/unit

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Permit Extension Fee	\$100

(Ord. 3891, 4-19-2016)

§ 7-26. ~~Erosion and Sediment Control~~
~~Inspection~~

1. Best Management Practices (BMPs) for Erosion and Sediment Control

Installation and maintenance of BMPs for Erosion and Sediment Control are required for all land disturbing activities requiring a Stormwater Permit from the City of Gillette, and any site that discharges sediment into the City's storm drainage system. Grading, erosion control practices, sediment control practices, and waterway crossings shall meet the design criteria set forth in the most recent version of the City of Gillette Storm Drainage Design Manual, and shall be adequate to prevent transportation of sediment from the site to the satisfaction of the City of Gillette. Specific BMP selection and compliance with the manufacture's installation and maintenance criteria are the responsibility of the Permittee.

Site clearing, except those activities necessary to establish sediment control devices, shall not begin until all perimeter and initial phasing sediment control devices have been installed.

Erosion control requirements shall include the following:

- a. Final or temporary stabilization of disturbed areas must, at a minimum, be initiated immediately whenever any clearing, grading, excavating or other earth disturbing activities have permanently or temporarily ceased on any portion of the site and will not resume for a period exceeding fourteen (14) calendar days. Operators are not required to initiate stabilization measures in areas of a project that are essential for site access or work activities until those areas are no longer needed for ongoing access or work.
- b. Temporary stabilization may be used whenever construction activities are expected to resume in the area to be stabilized or when weather or other conditions are not appropriate for initiation of permanent stabilization. Temporary stabilization includes practices such as cover crop planting, installation of rolled erosion products, mulching (provided the mulch is protected from wind such as crimping straw mulch into the soil), or surface roughening (such as plowing to achieve a rough, cloddy surface). Practices that provide equivalent erosion protection may be used.

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- c. Areas to be protected include graded slopes, ditches, berms and soil stockpiles and all other disturbed areas with potential to contribute sediment to runoff that will leave the construction site.
- d. The entire site must be stabilized, using a heavy mulch layer or another method that does not require germination to control erosion, at the completion of the construction project and/or close of the construction season (e.g., winter shutdown).
- e. Techniques shall be employed to prevent the blowing of dust or sediment from the site. All entities subject to regulation under this ordinance are required to make every reasonable effort to minimize dust from construction and land disturbing activities.
- f. Techniques that divert upland runoff past disturbed slopes shall be employed.
- g. Where the initiation of stabilization is precluded by snow cover or frozen ground conditions, stabilization measures must be initiated as soon as practicable.

2. Notice of Construction Commencement

The Permittee must notify the City of Gillette before the commencement of construction. Initial inspections specific to the implementation of the SWPPP BMPs shall be conducted by City staff. All inspections shall be documented and written reports prepared that contain the following information:

- a. The date and location of the inspection;
- b. Whether construction is in compliance with the approved SWPPP;
- c. Variations from the approved SWPPP; and/or
- d. Any deficiencies or violations that exist

If any violations or deficiencies are found, the Permittee shall be notified in writing at the time of inspection of the nature of the deficiency or violation and the required corrective actions. No additional work shall proceed until any violations or deficiencies are corrected, or the City of Gillette gives approval for work to proceed.

3. Inspection Requirements

Permittee Inspections:

The Permittee or their qualified personnel shall make regular inspections of all control measures in accordance with the inspection schedule outlined in the approved SWPPP as hereinafter required. All inspections shall be documented in written form.

a. Active construction sites:

Inspections must be conducted in accordance with one of the two schedules listed below. You must specify in your SWPPP which inspection schedule you will use.

- 1) At least once every 14 calendar days and within 24 hours of any precipitation and/or snow melt event which exceeds 0.5 inches. The Permittee shall have the option of maintaining a rain gauge at their site or using the nearest National Weather Service precipitation gauge station. OR
- 2) At least once every seven days.

b. Inactive construction sites.

The frequency of inspections may be reduced to once every 30 days after the Permittee has completed earthwork and construction activities at the construction site and has installed BMPs as specified in the SWPPP. All areas to be inspected monthly must have initiated temporary or permanent stabilization measures as required.

If the qualified personnel responsible for implementing the SWPPP changes, the changes must be noted in the SWPPP within 14 days of transfer of operational control and must list the new qualified personnel.

The SWPPP, inspection reports, and plans for grading, stripping, excavating, and fill work bearing the stamp of approval of the City of Gillette shall all be maintained and available at the construction site unless infeasible. In cases where there is not a trailer or structure to store these documents, they must otherwise be made readily available to the City upon request.

SWPPP retention, plan revisions or amendments, and plan availability shall be managed and as outlined by the WY DEQ SWPPP requirements.

City Inspections:

The City of Gillette may inspect any construction site, industrial facility or other premises required to comply with the provisions of this article to determine compliance with the rules, regulations and standards of the City of Gillette and/or Wyoming DEQ. Inspection programs may be established on any reasonable basis, including but not limited to: routine inspections; random inspections; inspections based upon complaints or other

notice of possible violations; inspection of drainage basins or areas identified as higher than typical sources of sediment or other contaminants or pollutants; inspections of businesses or industries of a type associated with higher than usual discharges of contaminants or pollutants, or with discharges of a type which are more likely than the typical discharge to cause violations of state or federal water quality standards or the WYPDES general construction stormwater permit; and joint inspections with other agencies inspecting under environmental or safety laws.

The Permittee shall allow the City or its representatives to enter upon the premises during all regular construction hours for the inspection, sampling and the examination and copying of records. This includes the right to enter a property when it has a reasonable basis to believe that a violation of this article is occurring or has occurred, and to enter when necessary for abatement of a public nuisance or correction of a violation of this article. All violation notices will be presented to the Permittee in accordance with the Enforcement and Penalties Chapter of this Article.

For single family residential permits, City inspection of BMPs will occur in conjunction with other relevant site inspections, with exception to the initial inspection of BMP installation, which must be coordinated prior to commencing with construction activity.

For residential and commercial subdivisions and commercial or industrial land developments, the Permittee shall notify the City of Gillette of each of the following events in conjunction with the milestones of the project as listed:

- a. Installation of sediment and erosion measures (BMPs) (Preconstruction Meeting)
- b. Start of construction (Preconstruction Meeting)
- c. Completion of site clearing (Weekly Progress Reports)
- d. Completion of rough grading (Weekly Progress Reports)
- e. Completion of final grading (Weekly Progress Reports)
- f. Completion of the construction season (Final Inspections/Project Acceptance)
- g. Completion of final landscaping and/or final stabilization (Permit Termination)

4. BMP Maintenance

On any property on which grading or other work has been done pursuant to a permit granted under the provisions of this Article the Permittee shall, at a minimum, conduct inspections and maintain and/or repair all graded surfaces and erosion control facilities, drainage structures or means and other protective devices, plantings, and ground cover installed while construction is active in accordance with the approved SWPPP, as applicable.

All control devices similar to silt fence or fiber rolls must be repaired, replaced, or supplemented when they become nonfunctional, the sediment reaches 1/3 of the height of the device or as recommended in the manufacture's specification (if manufacturer's specifications are different, then a copy of the specifications should be kept with the SWPPP).

Repairs and maintenance should be made within the following time frames;

- a. Active construction sites: These repairs must be made within 24 hours of discovery, or as soon as field conditions allow access.
- b. Inactive construction sites: These repairs must be made within 14 days of discovery, or as soon as field conditions allow access.

5. Final Stabilization Requirements and Landscaping

Any area of land from which the natural vegetative cover has been either partially or wholly cleared or removed by development activities shall be stabilized or re-vegetated within fourteen (14) calendar days from the substantial completion of such clearing activities. Criteria for stabilization are outlined in the Storm Drainage Design Manual.

After construction is complete and final stabilization is installed, the owner or their agent shall continue to regularly inspect the vegetation until adequate turf or other suitable type of stabilization is established as described under the Final Stabilization definition.

At the completion of construction for commercial development, when the required landscaping is utilized as a method of final stabilization, a Notice of Termination will not be granted for the site until landscaping is approved.

(Ord. 3891, 4-19-2016)

~~§ 7-27.- Requirements~~**REQUIREMENTS forFOR StormwaterFORMWATER**
PollutionOLLUTION

PREVENTION PLAN (SWPPP)

1. A SWPPP is required as part of all stormwater permits which disturb 2,500 square feet or more including subdivisions, commercial, industrial, and residential construction.

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No application for development that requires a Stormwater Permit will be approved unless it includes a stormwater pollution prevention plan detailing how the SWPPP will be administered and in concept how runoff and associated water quality impacts resulting from the development will be controlled or managed. The SWPPP must indicate whether stormwater will be managed on-site or off-site, and the general location and type of practices.

This plan must be prepared and signed by a Design Professional who will verify that the design of all stormwater management practices meet the submittal requirements outlined in the SWPPP Checklist found in the Storm Drainage Design Manual. For individual residential lots, a Design Professional is recommended but not required. No Permit to Construct, Building, Grading, or Stormwater Permit shall be issued until a satisfactory final SWPPP, or a waiver thereof, shall have undergone a review and been approved by the City of Gillette after determining that the plan or waiver is consistent with the requirements of this article. The SWPPP may be referred for comment to all other interested agencies.

2. Stormwater Pollution Prevention Plan Requirements

A SWPPP shall be required with all permit applications and will include sufficient information as specified in the Storm Drainage Design Manual (e.g., maps, hydrologic calculations, etc.). The intent of this document is to inventory pollutants which have potential to leave the construction site in storm water runoff, identify Best Management Practices (BMPs) which, when implemented, will eliminate or minimize pollutants in runoff and meet the terms and conditions of the permit. Guidance materials for BMP selection and implementation can be found in the Storm Drainage Design Manual to determine the type of stormwater management measures necessary for the proposed project, and ensure adequate planning for management of stormwater runoff from future development. At a minimum the SWPPP shall meet the requirements of the WYPDES Large and Small Construction General Permit requirements, including:

- a. Identification of a SWPPP administrator
- b. Site description - narrative
- c. Site Map(s)
- d. Type and location of Best Management Practices (BMPs) and perimeter control
- e. Operations/Maintenance/Inspection Schedule(s)
- f. Training
- g. Amendment(s)
- h. Plan Availability/Retention
- i. Final Stabilization

For development or re-development occurring on a previously developed site, an applicant shall be required to include within the SWPPP, BMPs for controlling existing stormwater runoff discharges from the site in accordance with the standards of this article to the maximum extent practicable.

(Ord. 3891, 4-19-2016)

~~§ 7-28. Maintenance and Repair of Stormwater
Detention Facilities.~~

1. Maintenance Covenants

In an effort to minimize danger to public safety and public health, maintenance of all private, post construction detention facilities shall be ensured through the creation of a formal maintenance covenant that must be approved by the City of Gillette and recorded into the land record prior to final plan approval. This agreement will include any and all maintenance easements required to access and inspect the stormwater management practices, and to perform routine maintenance as necessary to ensure proper functioning of the stormwater detention facilities. As part of the covenant, a schedule shall be developed outlining the frequency with which maintenance will occur to ensure proper function of the facility and the parties responsible for maintenance. The covenant shall also include plans for periodic inspections to ensure proper performance of the facility between scheduled cleanouts and a facility site map.

In the cases of residential subdivisions, or in other instances as decided by the City Engineer, the City of Gillette, in lieu of a maintenance covenant, may accept dedication of any existing or future detention facility for maintenance, provided such facility meets all the requirements of this chapter and includes adequate and perpetual access and sufficient area, by easement or otherwise, for inspection and regular maintenance.

2. Requirements for Maintenance Covenants

All detention facilities must undergo, at the minimum, an annual inspection to document maintenance and repair needs and ensure compliance with the requirements of this Article and accomplishment of its purposes. These needs may include those outlined in the Storm Drainage Design Manual. Any maintenance needs found must be addressed in a timely manner, as determined by the City of Gillette, and the inspection and maintenance requirement may be increased as deemed necessary to ensure proper functioning of the stormwater management facility.

3. Records of Installation and Maintenance Activities

Parties responsible for the operation and maintenance of a stormwater management facility shall make records of the installation and of all maintenance and repairs, and shall

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retain the records for at least 3 years. These records shall be made available to the City of Gillette during inspection of the facility and at other reasonable times upon request.

4. Failure to Maintain Practices

If a responsible party fails or refuses to meet the requirements of the maintenance covenant, the City of Gillette, after reasonable notice, may correct a violation of the design standards or maintenance needs by performing all necessary work to place the facility in proper working condition. In the event that the stormwater management facility becomes a danger to public safety or public health, the City of Gillette shall notify the party responsible for maintenance of the stormwater management facility in writing. Upon receipt of that notice, the responsible person shall have ten (10) calendar days to complete/remedy maintenance and repair of the facility in an approved manner. After proper notice, the City of Gillette shall assess the owner(s) of the facility for the cost of repair work plus any penalties which in part shall include an administrative fee of 15%.

5. As-Built Plans and Facility Site Map

All Permittees are required to submit actual "as built" plans and facility site map for any post-construction stormwater detention facilities located on-site after final construction is completed. The plan must show the final design specifications for all permanent BMPs and must be certified by a Wyoming licensed professional engineer. A final inspection by the City of Gillette is required before the Permit to Construct is closed out or a Commercial Project Certificate of Occupancy is issued.

(Ord. 3891, 4-19-2016)

~~§ 7-29. -WaiversAIVERS toTO StormwaterTORMWATER DetentionETENTION~~
~~RequirementsEQUIREMENTS~~

1. Waivers for Providing Post-Construction Stormwater Detention

Every applicant shall provide for stormwater quantity management, unless they file a written request to waive this requirement, and only as approved by the City Engineer. Post-construction water quality is encouraged but not required except when the site directly discharges to a wetland, or as otherwise required by the City Engineer.

The minimum requirements for stormwater detention may be waived in whole or in part upon written request of the applicant, provided that at least one of the following conditions applies:

- a. It can be demonstrated that the proposed development is not likely to impair attainment of the objectives of this Article.

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- b. Provisions are made to manage stormwater by an off-site facility. The off-site facility is required to be designed, adequately sized and installed to be able to provide a level of stormwater control/enhancement that is equal to or greater than that which would be afforded by on-site practices and has a legally obligated entity deemed acceptable by the City of Gillette responsible for long-term operation and maintenance of the stormwater facility.
 - c. The City of Gillette finds that meeting the minimum on-site detention requirements is not feasible due to the natural or existing physical characteristics or restraints of a site.
 - d. Non-structural practices are provided that reduce the generation of stormwater from the site. These non-structural practices are explained in detail in the current Storm Drainage Design Manual.
2. In instances where one of the conditions above applies, the City of Gillette may grant a waiver from strict compliance with stormwater detention provisions that are not achievable, provided that acceptable mitigation measures are provided. However, to be eligible for a waiver, the applicant must demonstrate to the satisfaction of the City of Gillette that the immediately downstream waterways will not be subject to:
- a. Deterioration of existing culverts, bridges, dams, and other structures;
 - b. Deterioration of biological functions or habitat;
 - c. Accelerated stream bank or streambed erosion or siltation;
 - d. Increased threat of flood damage, or risk to public health, life or property.

Furthermore, where compliance with minimum requirements for stormwater detention is waived, the Applicant will satisfy the minimum requirements by meeting one of the mitigation measures selected by the City of Gillette. Mitigation measures may include, but are not limited to:

- a. The purchase and/or donation of privately owned lands or the grant of an easement to be dedicated for preservation of green space shall be undertaken by the City of Gillette. These lands should be located adjacent to the stream corridor in order to provide permanent buffer areas to protect water quality and aquatic habitat.
- b. The creation of a stormwater detention facility or other drainage improvements on previously developed properties, public or private, that currently lack BMPs designed and constructed in accordance with the purposes and standards of this article.

3. ~~Fee in Lieu of Stormwater Detention~~

~~Where the City of Gillette waives all or part of the minimum stormwater detention requirements, or where the waiver is based on the provision of adequate stormwater detention facilities provided upstream or downstream of the proposed development, the Applicant shall be required to pay a fee in accordance with the basin fee schedule (unless the developer and the City of Gillette agree on a greater alternate contribution) established by the City of Gillette, and based on the percent imperviousness of the proposed project over and above existing site conditions. All of the monetary contributions shall be credited to an appropriate Stormwater Capital Improvements Program project fund, and shall be made by the Developer prior to the subdivision plat being recorded or, if no record plat is required, prior to issuance of building permit or Permit to Construct.~~

~~The basin fee map can be found in the City's Stormwater Master Plan, and the corresponding basin fee schedule is set forth as follows:~~

Basin Fee Schedule	
Basin(s)	Basin Fee (per impervious acre)
1, 2, 3, 4	\$0.00
6, 7, 8, 9, 10, 12	\$1,608.00
5, 11	\$3,357.00

4. ~~Dedication of Land or Other Improvements~~

~~In lieu of a monetary contribution, an Applicant may obtain a waiver of the required stormwater detention by entering into an agreement with the City of Gillette for the granting of an easement or the dedication of land by the Applicant, to be used for the construction of an off-site stormwater detention facility. The agreement shall be entered into by the Applicant and the City of Gillette prior to the recording of plat or, if a recorded plat is not required, prior to the issuance of the building permit or Permit to Construct.~~

5. 3. When a site development plan is submitted that qualifies as a re-development project as defined in Chapter 7-22 of this Article, decisions on permitting and on-site stormwater detention requirements shall be governed by stormwater sizing criteria found in the current Storm Drainage Design Manual. This criterion is dependent on the amount of impervious area created by the development and its impact on water quality. Final authorization of all re-development projects will be determined after a review by the City of Gillette Engineering Division.

(Ord. 3891, 4-19-2016)

§ 7-30. ~~-Basic~~ASIS StormwaterTORMWATER DetentionETENTION DesignESIGN
CriteriaRITERIA

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Unless judged by the City of Gillette to be exempt or granted a waiver, all site designs shall establish stormwater detention practices to control the peak flow rates of stormwater discharge associated with specified design storms and reduce the generation of stormwater. While not required to achieve quality standards at this time, these practices should seek to utilize pervious areas for stormwater treatment and to infiltrate stormwater runoff from driveways, sidewalks, rooftops, parking lots, and landscaped areas to the maximum extent practical to provide treatment for both water quality and quantity.

The City of Gillette Storm Drainage Design Manual specifies performance criteria for each stormwater management practice.

1. Minimum Control Requirements

All stormwater management practices will be designed so that the specific storm frequency storage volumes as identified in the current Storm Drainage Design Manual are met, unless the City of Gillette grants the applicant a waiver or the applicant is exempt from such requirements.

In addition, if hydrologic or topographic conditions warrant greater control than that provided by the minimum control requirements, the City of Gillette reserves the right to impose any and all additional requirements deemed necessary to control the volume, timing, and rate of runoff.

2. Site Design Feasibility

Stormwater management practices for a site shall be chosen based on the physical conditions of the site. Applicants shall consult the Storm Drainage Design Manual for guidance on the factors that determine site design feasibility when selecting a stormwater management practice.

3. Conveyance Issues

All stormwater management practices shall be designed to convey stormwater to allow for the reduction in flow velocities and minimization of pollutant discharges. This shall include, but not be limited to:

- a. Maximizing of flow paths from inflow points to outflow points
- b. Protection of inlet and outfall structures
- c. Elimination of erosive flow velocities
- d. Providing of underdrain systems, where applicable

The City of Gillette Storm Drainage Design Manual provides detailed guidance on the requirements for conveyance for each of the approved stormwater management practices.

4. Stream Channel Protection

Non-structural controls reduce the volume of stormwater runoff generated on-site and eliminate opportunities for pollutants to enter the stormwater system. Wherever possible developments should seek to preserve existing natural features such as riparian setbacks and enhance buffer areas.

5. Non-Structural Stormwater Practices

The use of non-structural stormwater treatment practices is encouraged in order to minimize the reliance on structural practices. Reductions in the amount of stormwater runoff can be obtained through the use of non-structural practices that reduce the generation of stormwater from the site. These non-structural practices are explained in detail in the Storm Drainage Design Manual and Applicants wishing to use non-structural practices must ensure that these practices are documented and remain unaltered by subsequent property owners.

(Ord. 3891, 4-19-2016)

§ 7-31. ~~Enforcement~~**NFORCEMENT** and~~AND~~ ~~Penalties~~**ENALTIES**

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1. It will be the responsibility of the Stormwater Discharger and/or Permittee to ensure compliance with all sections of this Article.

A Stormwater Discharger and/or Permittee who violates any provision of this Article, even if it does not violate any WYPDES permit conditions or limitations, is subject to enforcement and penalties described herein.

2. Enforcement Mechanisms

- a. It is the intent of this Article that a process of compliance be pursued, when possible, prior to enforcement measures.
- b. Violations may be enforced through any or all of the following measures:
 - i. Notice of Deficiency
 - ii. Notice of Violation and Civil Penalty
 - iii. Stop Work Order
 - iv. Permit(s) Suspension and/or Revocation

v. Proceedings in Law

- c. If, in the City of Gillette's assessment, the activities or lack of activity of the Stormwater Discharger and/or Permittee warrant or necessitate a more intensive enforcement mechanism, the City of Gillette may pursue those enforcement measures. The City of Gillette shall make the assessment of warrant and/or necessity based on a number of factors including, but not limited to, history of non-compliance, blatant disregard for the requirements or immediate adverse impact to adjacent properties, the MS4 and/or Waters of the State.

3. Notice of Deficiency

In instances when the City of Gillette, based on observations or investigations, has reasonable cause to believe that a deficiency of this Article has occurred, the City of Gillette is authorized to notify the Stormwater Discharger and/or Permittee in writing of the following items:

- a. Date and location of the site observation(s) or investigation(s)
- b. An itemized list of any deficiencies or failures
- c. A deadline in which the corrective actions are to be completed
- d. The written Notice of Deficiency shall be hand delivered, emailed, or mailed to the Stormwater Discharger and/or Permittee

4. Notice of Violation and Civil Penalty

When the City of Gillette determines that an activity is not being carried out in accordance with the requirements of this Article, and compliance has not been achieved through a Notice of Deficiency, the City shall issue a written Notice of Violation to the Stormwater Discharger and/or Permittee.

The Notice of Violation shall specify the following:

- a. Date and location of the site observation(s) or investigation(s)
- b. An itemized list of any deficiencies, violations or failures
- c. A deadline in which the corrective actions are to be completed
- d. The written Notice of Violation shall be delivered to the Stormwater Discharger and/or Permittee via certified mail

The Stormwater Discharger and/or Permittee shall notify the City of Gillette in writing of the anticipated date of completion of the corrective action(s). When compliance measures specified in the Notice of Violation are satisfactorily completed based upon

inspection by the City of Gillette on or after the anticipated completion date, the City of Gillette shall provide a written Notice of Acceptance and confirmation of compliance.

Failure to comply with the written notice described above or with any section of this article shall be deemed a misdemeanor offense. For any violation of this article there shall be a maximum fine of seven hundred fifty dollars (\$750) per day per violation, and any other penalty as prescribed under section 16-1 of the Gillette City Code. Each day of violation constitutes a new offense.

5. Stop Work Order

In the event compliance cannot be achieved within the terms of a Notice of Deficiency or Notice of Violation, the City of Gillette may proceed with a Stop Work Order. In the event the City of Gillette perceives that there is an immediate adverse impact or blatant disregard for the requirements, it may issue a Stop Work Order without first administering a Notice of Deficiency, Notice of Violation, Permit Suspension or Permit Revocation. The Stop Work Order shall be delivered to the Stormwater Discharger and/or Permittee and/or posted on the job site.

Persons receiving a Stop Work Order will be required to halt all construction activities. This Stop Work Order will be in effect until the City of Gillette confirms that the land disturbing activity is in compliance and the violation has been satisfactorily addressed. Failure to comply with a Stop Work Order can result in civil, criminal, or monetary penalties in accordance with the enforcement measures authorized in this Article.

6. Permit/License Suspension and/or Revocation

In the event compliance cannot be achieved within the terms of a Notice of Deficiency and/or Notice of Violation, the City of Gillette may proceed with permit(s) suspension or revocation. The City of Gillette may also follow all procedures outlined by the Board of Examiners for the suspension of Contractor license for failing to build in compliance with this Article. The City of Gillette may also refuse issuance or suspend any additional permits when all other methods of enforcement have proven unsuccessful.

When suspension or revocation has occurred:

- a. Land-disturbing activities are not allowed on a project site when a permit has been suspended or revoked other than those required to address deficiencies/violations.
- b. The written Permit Suspension or Revocation shall be hand delivered and/or sent by certified mail to the Permittee.

- c. A Permit Suspension may require that the Permittee submit a revised portion of the Stormwater Pollution Prevention Plan as indicated by the City of Gillette for review and acceptance by the City of Gillette of the specific issue of contention. When a Permit Suspension is removed, the City of Gillette shall provide written notice to the Permittee.
- d. A permit Revocation requires that the Permittee resubmit a Stormwater Pollution Prevention Plan for a full review and acceptance by the City of Gillette.
- e. When a permit is revoked, the Permittee must re-apply for permit coverage through the normal permitting process and shall be required to pay established permit fees.

7. Legal Proceedings

If the enforcement mechanisms described in this Article prove to be unsuccessful in reaching compliance, or there is a blatant disregard for the requirements, or there is an immediate adverse impact to adjacent private or public property, the City of Gillette may proceed with all procedures afforded it under the laws of the City of Gillette and the State of Wyoming including injunctive relief.

(Ord. 3891, 4-19-2016)

§ 7-32. ~~Right to Appeal~~

Any Stormwater Discharger and/or Permittee (hereinafter the Discharger) aggrieved by the actions outlined in this article by the Chief Building Official or City Engineer of the City of Gillette in their administration of these regulations may file an interim appeal. For grievances of the enforcement actions rendered by the City Engineer or Chief Building Official, the Discharger will file their appeal with the Development Services Director. The appeal shall be in writing, shall be submitted within seven (7) days of the action or decision appealed from, and shall state the specific relief which the Discharger seeks. Within seven (7) days of receipt of the request, the Development Services Director will issue formal findings determining the proper disposition of the matter.

In the event the Discharger is dissatisfied with the formal findings issued according to the preceding paragraph, they may request a hearing before the City of Gillette Board of Examiners by filing a Notice of Appeal with the Building Official within ten (10) days of mailing date of the written findings. The Notice of Appeal shall be in writing, and shall state the specific relief which the Discharger seeks. Within thirty (30) days of the receipt of the Notice of Appeal, the City of Gillette Board of Examiners shall hold a hearing to determine the proper disposition of the matter. At the hearing, the Board of Examiners shall consider not only the testimony of the Discharger, but also the testimony of the Chief Building Official, City Engineer, or Development Services Director as the case may be, (hereinafter the City Official) who issued the order or took that action that is the subject of the appeal, and shall review the materials originally filed in support of the interim

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appeal and the formal findings. The City of Gillette Board of Examiners shall either reaffirm or modify the decision in the record of its hearing. Upon completion of the hearing, the Board of Examiners shall notify the Discharger and the City Official of its decision by sending written findings of fact and conclusions of law (the Final Order) by certified mail. The Discharger may then proceed based upon this decision of the City of Gillette Board of Examiners.

The Discharger or the City Official may appeal by filing a Notice of Appeal within thirty (30) days of postmarked mailing date of the Board's Final Order and have the record of their case reviewed by the Gillette City Council. The hearing before the City Council shall be on the record as a whole as it was developed before the Board of Examiners. The Discharger and the City Official shall be given the opportunity to make oral argument before the City Council. The City Council may affirm or reverse the decision appealed from and may direct that the Board of Examiners conduct further hearings.

The failure of the Discharger to appeal as provided in this section shall make the action of the City Official final and not subject to review in any other tribunal. The failure of the Discharger to attend the hearing before the Board of Examiners, as provided in this section, shall make the decision of the City Official final and not subject to review in any other tribunal.

(Ord. 3891, 4-19-2016)

STANDARD DRAWING CHANGES FROM 2020 EDITION for 2025 EDITION		
Standard Drawing Name	Standard Drawing #	Description of Change
Move all Standard Drawings to Specs		Move all standard drawings (details) from the Design Standards to the Spec Book.
RESIDENTIAL ACCESS CONTROL AND OFFSETS	02530-02	Remove 5' offset from property line Added "32' or 50% of lot line dimension per the adjacent street"
COMMERCIAL & INDUSTRIAL ACCESS CONTROL	02530-03	Remove 5' offset from property line Change spacing between driveways/street intersections for a local/local through street to 50' and not 100'
SANITARY SEWER SERVICE LINE	02700-06	Changed "Sewer Pipe Wye, Tee Wye combination" to "Sewer pipe factory wye" Removed "6"" and "8" (or larger)" and added "factory" to Note 1. Added Note 4. "Repair saddles may be only be used when approved by Wastewater Division"
LANDSCAPE DETAILS	02900-01 thru 02900-06	2020 Landscape Details removed and replaced in their entirety.
IRRIGATION DETAILS	02920-1 thru 02920-33	2020 Irrigation Details Remove and Replaced in their entirety.

STANDARD SPEC CHANGES FROM 2020 EDITION for 2025 EDITION			
SECTION	PART	Subsection	Description of Change
Move all Standard Drawings to Specs			Move all standard drawings (details) from the Design Standards to the Spec Book.
Section 02920-IRRIGATION	All	All	Section 02920-IRRIGATION as previously published in 2020 editon is removed and replaced entirely with 2025 edition.

STANDARD DESIGN STANDARDS CHANGES FROM 2020 EDITION for 2025 EDITION			
SECTION	Section	Subsection	Description of Change
101	All		Remove "City of Gillette CAD Standards" Delete "ePlans" verbiage or replace with "electronic software permitting"
	101.10	D	Delete "Any water and/or sewer service lines not needed shall be abandoned according to the City of Gillette Design Standards and Standard Construction Specifications prior to the plat being recorded."

STANDARD DESIGN STANDARDS CHANGES FROM 2020 EDITION for 2025 EDITION (CONT'D)			
SECTION	Section	Subsection	Description of Change
102	102.3		Replaced "black line copies" with "electronic copies"
103	103.10.2	A	Deleted "two unbound sets and one bound set of size B (11x17)black line prints"
	103.10.3	1	Added "printable" and deleted "size B"
		3	Replaced with "Shapefiles and CAD files (dwg) are acceptable formats of record drawings."
	103.10.4		Added "in the design standards" and removed "at the City Engineer's Office". Added "electronically"
	103.20.1		Added "prior to final acceptance"
	103.20.2		Added "private development" and added "an electronic set of plans"
			Added "prior to final acceptance or certificate of occupancy can be given for the development."
301 DESIGN OF WATER DISTRIBUTION SYSTEMS	6	6-b-ii	Updated "6-b-ii" to "9-c-iii" per DEQ updates
		6-b-iii	Updated "6-b-iii" to "9-c-iv" per DEQ updates
	14		Updated Section "14" to "16" and "14-b-iii" to 16-e
			Updated "Add new subsection after subsection 16-f-v
			Added subsection "vi"
			Add new section after "subsection 16-d-ii"
		14-b-vi	Updated to "16-d-ii (iii) Dead-end "other flushing device and shall not exceed 1,200 feet in total distance"
			Updated subsection "14-b-vii" to "16-d-viii"
			Updated "(viii)" to "(iv)"
		(viii) Services	Inserted "All commercial building plans shall include a detailed water riser diagram showing valve(s) and water meter(s) sizes and shall include the type and size of all backflow prevention."
			Replaced paragraph two with "There shall be only one tap and water service line from the main to the property line for each lot unless any single structure on the lot allows for more than one occupied space for separate lease or ownership. Unless otherwise approved by the City Engineer, any single structure with a single utility room that allows for more than one occupied space, shall have an individual water meter and shut off valve installed for each occupied space within the utility room. If any occupied space within the structure has a separate or individual utility room, then the occupied space shall have an individual water meter, shut off valve and curb stop installed. "
			Replaced paragraph three with "The City Engineer may approve a single tap from the main to be divided at the property line into multiple service lines with each individual water service line having a meter and a curb stop."
			Added "Add new subsection 16-d-iv"
			Updated "(ix)" to "(v)"
			Added "after subsection 16-d-v"
			Updated "(x)" to "(vi)"
			Added "add subsection after 16-d-vi"
			Updated "(c) Valves" to "(vii) valves"
			Updated "subsection 14-f-l and 14-f-ii" to "subsection "16-h-i, 16-h-ii, 16-h-iii"
			Updated "Add the following language at the end of Subsection 14-f-v" to "(iii) Cover"
			Updated "14-i" to "16-m"

STANDARD DESIGN STANDARDS CHANGES FROM 2020 EDITION for 2025 EDITION (CONT'D)			
401 DESIGN OF SANITARY SEWER SYSTEMS	9	9-C-iii-D	Add to (D) Connections - "All new construction shall require a factory wye connection to any collection line. Flexible couplings shall not be used for any service connections within the right of way or easements of any collection line. Tapping saddles for new construction shall only be allowed if approved by the Wastewater Division."
			Replace 2nd paragraph with "Connections of sewer services less than eight (8) inches in diameter shall connect to collection lines and not manholes."
			Replace third paragraph with "Sewer services will be extended to a point on each lot, which is a minimum of ten (10) feet from the lower property corner based on the sanitary sewer main lowest elevation. For any building with more than one occupied space, for separate lease or ownership, a sewer cleanout shall be installed outside of the building for each individual occupiable space, unless approved by the City Engineer."
		9-d-i	Deleted "Dead end lateral lines shall terminate in a manole."
609 DESIGN OF FLEXIBLE PAVEMENTS	609.2		Updated Alleys asphalt thickness to "6.0 inches" and Local/Local Through asphalt thickness to "5.0"
610 DESIGN OF RIGID PAVEMENTS	610		Replaced "twenty year design life to "30"
	610.2		Updated Alleys concrete thickness to "6 inches", Local/Local Through "6.0" and Collector to "6.5"
611 STREET GEOMETRICS	611.08		Added "H. The maximum length of a cul-de-sac shall not exceed 1,200 feet from any intersecting street

ORDINANCE NO.

AN ORDINANCE TO AMEND CHAPTER 7, SECTIONS 7-1, 7-2, 7-3, 7-4, 7-5, 7-17, 7-18, 7-20 and 7-29 OF THE GILLETTE CITY CODE.

RECITAL: the Governing Body of the City of Gillette desires to amend Chapter 7 Section 7-1 “Adoption of City of Gillette 2017 Standard Construction Specifications”, 7-2 “Adoption of City of Gillette 2017 Design Standards”, 7-3 “Adoption of City of Gillette 2010 CAD Standards”, 7-4 “Adoption of City of Gillette ePlans Electronic Plan Review Process”, 7-5 “Adoption of the 2011 Storm Drainage Design Manual”, 7-17 “System Development Charge and Plant Investment Fee – Water”, 7-18 “Transfer of Plant Investment Fee Credits”, 7-20 “Plant Investment Fee Financing” and 7-29 “Waivers to Stormwater Detention Requirements” and the entire chapter has been modified for consistency, including fonts and titles of the Gillette City Code.

THEREFORE, be it ordained by the governing body of the City of Gillette:

SECTION ONE. Chapter 7 of the Gillette City Code is amended to read as follows (with changes noted in red):

ARTICLE 1

Construction and Design Standards.

- §7-1 City of Gillette Standard Construction Specifications
- §7-2 City of Gillette Design Standards
- §7-3 (unused)
- §7-4 City of Gillette Electronic Plan Review Process
- §7-5 City of Gillette Storm Drainage Design Manual

ARTICLE 2

Alleys and Easements

- §7-6 Alleys and Easements.
- §7-7 (unused)
- §7-8 (unused)

ARTICLE 3

§7-9 (repealed) (Ord. 3891, 4-19-2016)

ARTICLE 4

Flood Plain Management.

§7-10 Statutory Authorization, Findings of Fact, Purpose And Methods

§7-11 Definitions

§7-12 General Provisions

§7-13 Administration

§7-14 Provisions For Flood Hazard Reduction

§7-15 Penalties For Noncompliance

ARTICLE 5

Plant Investment Fees

§7-16 Plant Investment Fees - Sewer.

§7-17 System Development Charge and Plant Investment Fee - Water.

§7-18 (unused)§7-19 Payment For Overforded Water and Sewer Lines.

§7-20 (unused)

ARTICLE 6

Stormwater Management

§ 7-21 Purpose, Findings of Fact, Applicability, Compatibility, Severability and City Storm Drainage Design Manual

§ 7-22 Definitions

§ 7-23 General Prohibitions

§ 7-24 Stormwater Permit Procedures and Requirements

§ 7-25 Stormwater Permit Fees

§ 7-26	Erosion and Sediment Control Inspection
§ 7-27	Requirements for Stormwater Pollution Prevention Plan (SWPPP)
§ 7-28	Maintenance and Repair of Stormwater Detention Facilities
§ 7-29	Waivers to Stormwater Detention Requirements
§ 7-30	Basic Stormwater Detention Design Criteria
§ 7-31	Enforcement and Penalties
§ 7-32	Right to Appeal

ARTICLE 1

Construction and Design Standards.

§ 7-1. City of Gillette Standard Construction Specifications.

The City of Gillette Standard Construction Specifications prepared by the Department of Engineering of the City of Gillette is hereby adopted by this reference and incorporated herein as amended from time to time and adopted by Gillette City Council per resolution, as if set out in full to regulate construction within the City of Gillette. One copy shall be available for public inspection at the Office of the City Engineer and the Office of the City Clerk during normal business hours. The Department of Engineering will also provide copies for sale at a reasonable charge to cover the cost of preparation of the volume. (Ord. No. 1674, 3-2-88.; Ord. 3344, 10-4-2004; Ord. 3392, 11-7-2005 effective 1-1- 2006; Ord. 3653, 1-4-2010, effective 2-1-2010; Ord 3780, 12-17-2012, effective 1-1-2013, Ord. No. 3914, effective 5-1-2017; Ord. No. 3988, effective 1-1-2021).

§ 7-2. City of Gillette Design Standards.

The City of Gillette Design Standards, prepared by the Department of Engineering of the City of Gillette is hereby adopted by this reference and incorporated herein, as amended from time to time and adopted by Gillette City Council per resolution, as if set out in full to regulate the design of public improvements within the City of Gillette. One copy shall be available for public inspection at the Office of the City Engineer and the Office of the City Clerk during normal business hours. The Department of Engineering will also provide copies for sale at a reasonable charge to cover the cost of preparation of the volume. (Ord. 1788 03/18/91; Ord. 3344, 10-4-2004; Ord. 3392, 11-7-2005 effective 1-1- 2006 Ord. 3653, 1-4-2010, effective 2-1-2010; Ord 3780, 12-17-2012, effective 1-1-2013, Ord. No. 3914, effective 5-1-2017; Ord. No. 3998, effective 1-1-2021).

§7-3 (unused) (Ord. 3676, 5-17-2010)

§7-4 City of Gillette Electronic Plan Review Process

A. The City of Gillette Electronic Plan Review Process, , and all associated documents is hereby adopted by this reference and incorporated herein as amended from time to time and adopted by Gillette City Council per resolution, as if set out in full to regulate how design documents, including plats, maps and engineering plans will be submitted for review by the City of Gillette. The electronic plan review process is a computer web-based software application that will be used by design professionals to submit documents in an electronic digital format. The digital documents will be reviewed by City of Gillette employees who will provide feedback electronically to facilitate thorough, complete and timely review.

B. For purposes of illustration but not limitation, the design documents that are subject to the electronic plan review process requirements include the following items submitted to the following designated City Divisions pursuant to the provisions of other City ordinances.

Planning Division

1. Commercial Site Plans
2. Annexation Plats
3. Sketch Plats
4. Preliminary Subdivision Plats
5. Final Subdivision Plats
6. Development Plans
7. Preliminary PUD Plats
8. Final PUD Plats
9. Easement or Right –of-way Vacations
10. Condominium Plats

Building Inspection Division

1. Commercial Building Permits
2. Residential Building Permits

Engineering Division

1. ROW permit (Excavation, Obstructing Public Ways and Placing anything within the Public Way)
2. Permit to Construct
3. Permit to Grade

C. The City has provided a “Quick Link” of the electronic permitting software and other related materials for public review and download on the City’s website (Ord. 3676, 5-17-2010; Ord. 3704, 1-18-2011)

§ 7-5 City of Gillette Storm Drainage Design Manual

The City of Gillette Storm Drainage Design Manual, prepared by the Department of Engineering of the City of Gillette is hereby adopted by this reference and incorporated herein as amended from time to time and adopted by Gillette City Council per resolution, as set out in full to regulate the design of public improvements within the City of Gillette starting January 1, 2012. One copy shall be available for public inspection at the office of the Department of Engineering and the office of the City Clerk during normal business hours. The Department of Engineering will also provide copies for sale at a reasonable charge to cover the cost of preparation of the volume. Ord 3780, 12-17-2012, effective 1-1-2013)

ARTICLE 2
Alleys and Easements

§7-6 Alleys and easements.

A. Alley and easement width. Alleys shall be a minimum of 20 feet in width. Easements for underground electrical, phone, cable TV and natural gas shall be a minimum of 10 feet in width. All other easements for utilities shall be a minimum of 20 feet in width. (Ord. 804, § 3, 11-17-75; Ord. 1903, 9-20-93; Ord. 3344, 10-4-2004; Ord. 3676, 5-17-2010)

B. Installation of utilities; Street distances. Gas lines shall be installed within 5 feet of the odd side of the alley or easement. Other utilities shall be installed within 5 feet of the even side. All installations of gas and other utilities shall be in a straight line at a consistent distance from the center-line of the street, alley or easement, said utilities shall be installed on a uniform arc at a consistent distance from the centerline of the street, alley or easement. (Ord. No. 804, § 3, 11-17-75.; Ord. 3344, 10-4-2004; Ord. 3676, 5-17-2010)

C. Grade. Grade shall be within 6 inches of final grade before installing utilities. (Ord. No. 804, § 3, 11-17-85.; Ord. 3344, 10-4-2004; Ord. 3676, 5-17-2010)

D. Penalty. Persons who make or cause to be made changes in grade after utilities are installed are required to bear the costs associated with the change in grade together with any costs of relocating the utilities. (Ord. No. 804, § 3, 11-17-75.; Ord. 3344, 10-4-2004; Ord. 3676, 5-17-2010)

E. City Property. Installation replacing or repair of pipe lines or conduits upon property including streets, alleys, or other public thoroughfares shall be done under the supervision of the City Administrator or his designee. (Ord. 419, §4.0102; Ord. 774, §§ 1, 2, 3-17-75; Ord. 2050, 6-3-96; Ord. 3344, 10-4-2004; Ord. 3676, 5-17-2010)

F. City Property, Excavations. Excavation on City property shall be of minimum necessary to complete the work. If possible, piping will be drilled under streets, alleys, and sidewalks. (Ord. 419, §4.0102; Ord. 774, §§ 1, 2, 3-17-75; Ord. 2050, 6-3-96; Ord. 3344, 10-4-2004; Ord. 3676, 5-17-2010; Ord 3780, 12-17-2012, effective 1-1-2013)

§7-7 (unused) (Ord. 3676, 5-17-2010)

§7-8 (unused) (Ord. 3676, 5-17-2010)

ARTICLE 3

§7-9 (repealed) (Ord. 3891, 4-19-2016)

(Ord. No. 1153, 12-1-80; Ord. 3344, 10-4-2004)

ARTICLE 4

Flood Plain Management.

§7-10 Statutory Authorization, Findings of Fact, Purpose and Methods

SECTION A. STATUTORY AUTHORIZATION

The Legislature of the State of Wyoming has in Wyoming Statutes sections 15-1-103(a) (xi), (xxvii), (xxxi) and (xli) delegated the responsibility of local governmental units to adopt regulations designed to minimize flood losses. Therefore, the Governing Body of the City of Gillette Wyoming does ordain as follows:

SECTION B. FINDINGS OF FACT

(1) The flood hazard areas of Campbell County, Wyoming are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety and general welfare.

(2) These flood losses are created by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities, and by the occupancy of flood hazards areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, floodproofed or otherwise protected from flood damage.

SECTION C. STATEMENT OF PURPOSE

It is the purpose of this ordinance to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

1. Protect human life and health;
2. Minimize expenditure of public money for costly flood control projects;

3. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. Minimize prolonged business interruptions;
5. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;
6. Help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas; and
7. Insure that potential buyers are notified that property is in a flood area.

SECTION D. METHODS OF REDUCING FLOOD LOSSES

1. In order to accomplish its purposes, this ordinance uses the following methods:
2. Restrict or prohibit uses that are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities;
3. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
4. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters;
5. Control filling, grading, dredging and other development which may increase flood damage;
6. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

(Ord. 2050, 6-3-96; Ord. 3344, 10-4-2004; Ord. 3524, 12-3-2007)

§ 7-11. Definitions

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

ALLUVIAL FAN FLOODING - means flooding occurring on the surface of an alluvial fan or similar landform which originates at the apex and is characterized by high-velocity flows; active processes of erosion, sediment transport, and deposition; and unpredictable flow paths.

APEX - means a point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

AREA OF SHALLOW FLOODING - means a designated AO, AH, or VO zone on a community's Flood Insurance Rate Map (FIRM) with a one percent chance or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

AREA OF SPECIAL FLOOD HAZARD - is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A on the Flood Hazard Boundary Map (FHBM). After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AE, AH, AO, A1-99, VO, V1-30, VE or V.

BASE FLOOD - means the flood having a one percent chance of being equaled or exceeded in any given year.

BASEMENT - means any area of the building having its floor sub-grade (below ground level) on all sides.

CRITICAL FEATURE - means an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

DEVELOPMENT - means any man-made change in improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

ELEVATED BUILDING - means a non-basement building (i) built, in the case of a building in Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, to have the top of the elevated floor, or in the case of a building in Zones V1-30, VE, or V, to have the bottom of the lowest horizontal structure member of the elevated floor elevated above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the floor of the water and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters. In the case of Zones V1-30, VE, or V, "elevated building" also includes a building otherwise meeting the definition of "elevated building," even though the lower area is enclosed by means of breakaway walls if the breakaway walls met the standards of Section 60.3(e)(5) of the National Flood Insurance Program regulations.

EXISTING CONSTRUCTION - means for the purposes of determining rates, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. "Existing construction" may also be referred to as "existing structures."

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION - means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION- Means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FLOOD OR FLOODING - means a general and temporary condition of partial or complete inundation of normally dry land areas from:

1. the overflow of inland or tidal waters.
2. the unusual and rapid accumulation or runoff of surface waters from any source.

FLOOD INSURANCE RATE MAP (FIRM) - means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY - is the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, water surface elevation of the base flood, as well as the Flood Boundary-Floodway Map.

FLOODPLAIN OR FLOOD-PRONE AREA - means any land area susceptible to being inundated by water from any source (see definition of flooding).

FLOODPLAIN MANAGEMENT - means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

FLOODPLAIN MANAGEMENT REGULATIONS - means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The

term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

FLOOD PROTECTION SYSTEM - means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the areas within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

FLOOD PROOFING - means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

FLOODWAY (REGULATORY FLOODWAY) - means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

FUNCTIONALLY DEPENDENT USE - means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

HIGHEST ADJACENT GRADE - means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

HISTORIC STRUCTURE - means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or

4. Individually listed on a local inventory or historic places in communities with historic preservation programs that have been certified either:

a) by an approved state program as determined by the Secretary of the Interior or;

b) directly by the Secretary of the Interior in states without approved programs.

LEVEE - means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

LEVEE SYSTEM - means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

LOWEST FLOOR - means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking or vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; **provided** that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of Section 60.3 of the National Flood Insurance Program regulations.

MANUFACTURED HOME - means a structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

MANUFACTURED HOME PARK OR SUBDIVISION - means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

MEAN SEA LEVEL - means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

NEW CONSTRUCTION - means, for the purpose of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain

management regulation adopted by a community and includes any subsequent improvements to such structures.

NEW MANUFACTURED HOME PARK OR SUBDIVISION - means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

RECREATIONAL VEHICLE - means a vehicle which is:

1. built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projections;
3. designed to be self-propelled or permanently towable by a light duty truck; and
4. designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

START OF CONSTRUCTION - (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348)), includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

STRUCTURE - means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

SUBSTANTIAL DAMAGE - means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT - means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before "start of construction" of the improvement. This includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary conditions or
2. Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure."

VARIANCE - is a grant of relief to a person from the requirement of this ordinance when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by this ordinance. (For full requirements see Section 60.6 of the National Flood Insurance Program regulations.).

VIOLATION - means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Section 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

WATER SURFACE ELEVATION - means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas. (Ord. 2050, 6-3-96; Ord. 3344, 10-4-2004; Ord. 3524, 12-3-2007)

§7-12 General Provisions

SECTION A. LANDS TO WHICH THIS ORDINANCE APPLIES

The ordinance shall apply to all areas of special flood hazard within the jurisdiction of Gillette, Wyoming.

SECTION B. BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD

The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled, "The Flood Insurance Study for Campbell County and incorporated areas," dated January 2, 2008, with accompanying Flood Insurance Rate Maps and Flood Boundary-Floodway Maps (FIRM and FBFM).

SECTION C. ESTABLISHMENT OF DEVELOPMENT PERMIT

A Development Permit shall be required to ensure conformance with the provisions of this ordinance.

SECTION D. COMPLIANCE

No structure or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of this ordinance and other applicable regulations.

SECTION E. ABROGATION AND GREATER RESTRICTIONS

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

SECTION F. INTERPRETATION

In the interpretation and application of this ordinance, all provisions shall be:

1. considered as minimum requirements;
2. liberally construed in favor of the governing body; and
3. deemed neither to limit nor repeal any other powers granted under State statutes.

SECTION G. WARNING AND DISCLAIMER OR LIABILITY

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions greater floods can and will occur and flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the community or any official or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

(Ord. 2050, 6-3-96; Ord. 3344, 10-4-2004; Ord. 3524, 12-3-2007)

§7-13 Administration

SECTION A. DESIGNATION OF THE FLOODPLAIN ADMINISTRATOR

The City Engineer is hereby appointed the Floodplain Administrator to administer and implement the provisions of this ordinance and other appropriate sections of 44 CFR (National Flood Insurance Program Regulations) pertaining to floodplain management.

SECTION B. DUTIES & RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR

Duties and responsibilities of the Floodplain Administrator shall include, but not be limited to, the following:

1. Maintain and hold open for public inspection all records pertaining to the provisions of this ordinance.

2. Review permit application to determine whether proposed building site, including the placement of manufactured homes, will be reasonably safe from flooding.

3. Review, approve or deny all applications for development permits required by adoption of this ordinance.

4. Review permits for proposed development to assure that all necessary permits have been obtained from those Federal, State or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required.

5. Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Floodplain Administrator shall make the necessary interpretation.

6. Notify, in riverine situations, adjacent communities and the State Coordinating Agency which is Wyoming Office of Homeland Security, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.

7. Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.

8. When base flood elevation data has not been provided in accordance with Gillette City Code §7-12, Section B, the Floodplain Administrator shall obtain, review and reasonably utilize any base flood elevation data and floodway data available from a Federal, State or other source, in order to administer the provisions of Gillette City Code § 7-14.

9. When a regulatory floodway has not been designated, the Floodplain Administrator must require that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

10. Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program regulations, a community may approve certain development in Zones A1-30, AE, AH, on the community's FIRM which increases the water surface elevation of the base flood by more than one foot, provided that the community **first** applies for a conditional FIRM revision through FEMA (Conditional Letter of Map Revision).

SECTION C. PERMIT PROCEDURES

Application for a Development Permit shall be presented to the Floodplain Administrator on forms furnished by him/her and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to areas of special flood hazard. Additionally, the following information is required:

1. Elevation (in relation to mean sea level), of the lowest floor (including basement) of all new and substantially improved structures;

2. Elevation in relation to mean sea level to which any nonresidential structure shall be floodproofed;

3. A certificate from a registered professional engineer or architect that the nonresidential floodproofed structure shall meet the floodproofing criteria of Gillette City Code § 7-14, Section B(2);

4. Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development.

5. Maintain a record of all such information in accordance with Gillette City Code §7-13, Section (B)(1). Approval or denial of a Development Permit by the Floodplain Administrator shall be based on all of the provisions of this ordinance and the following relevant factors:

1. The danger to life and property due to flooding or erosion damage;
2. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
3. The danger that materials may be swept onto other lands to the injury of others;
4. The compatibility of the proposed use with existing and anticipated development;
5. The safety of access to the property in times of flood for ordinary and emergency vehicles;
6. The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;
7. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;
8. The necessity to the facility of a waterfront location, where applicable;
9. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
10. The relationship of the proposed use to the comprehensive plan for that area.

SECTION D. VARIANCE PROCEDURES

1. The City of Gillette Board of Adjustment is designated the Appeal Board under this ordinance to hear and render judgment on requests for variances from the requirements of this ordinance.

2. The Appeal Board shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this ordinance.

3. Any person or persons aggrieved by the decision of the Appeal Board may appeal such decision to the District Court of the 6th Judicial District in and for Campbell County, Wyoming, as provided by law.

4. The Floodplain Administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.

5. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this ordinance.

6. Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in Section C(2) of this Article (Gillette City Code §7-13) have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.

7. Upon consideration of the factors noted above and the intent of this ordinance, the Appeal Board may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this ordinance (Gillette City Code §7-10, Section C).

8. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

9. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

10. Prerequisites for granting variances:

a) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

b) Variances shall only be issued upon:

1) showing a good and sufficient cause;

2) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and

3) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

c) Any application to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

11. Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:

- a) the criteria outlined in Gillette City Code §7-13, Section D(1)-(9) are met, and
- b) the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

(Ord. 2050, 6-3-96; Ord. 3344, 10-4-2004; Ord. 3524, 12-3-2007)

§7-14 Provisions for Flood Hazard Reduction

SECTION A. GENERAL STANDARDS

In all areas of special flood hazards the following provisions are required for all new construction and substantial improvements:

1. All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
2. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;
3. All new construction or substantial improvements shall be constructed with materials resistant to flood damage;

4. All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

5. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

6. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood waters; and,

7. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

SECTION B. SPECIFIC STANDARDS

In all areas of special flood hazards where base flood elevation data has been provided as set forth in (i) Gillette City Code § 7-12, Section B, (ii) Gillette City Code § 7-13, Section B(8), or (iii) Gillette City Code §7-14, Section C(3), the following provisions are required:

1. Residential Construction - new construction and substantial improvement of any residential structure shall have the lowest floor (including basement), elevated to or above the base flood elevation. A registered professional engineer, architect, or land surveyor shall submit a certification to the Floodplain Administrator that the standard of this subsection as proposed in Gillette City Code § 7-13, Section C(1)a., is satisfied.

2. Nonresidential Construction - new construction and substantial improvements of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) elevated to or above the base flood level or together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained by the Floodplain Administrator.

3. Enclosures - new construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to

automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

a) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.

b) The bottom of all openings shall be no higher than one foot above grade.

c) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

4. Manufactured Homes –

a) Require that all manufactured homes to be placed within Zone A on a community's FHBM or FIRM shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.

b) Require that manufactured homes that are placed or substantially improved within Zones A1-30, AH, and AE on the community's FIRM on sites (i) outside of a manufactured home park or subdivision, (ii) in a new manufactured home park or subdivision, (iii) in an expansion to an existing manufactured home park or subdivision, or (iv) in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

c) Require that manufactured homes be placed or substantially improved on sites in an existing manufactured home park or subdivision with Zones A1-30, AH and AE on the community's FIRM that are not subject to the provisions of paragraph (4) of this section be elevated so that either:

1) the lowest floor of the manufactured home is at or above the base flood elevation, or

2) the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in

height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

5. **Recreational Vehicles** - Require that recreational vehicles placed on sites within Zones A1-30, AH, and AE on the community's FIRM either:

- a) be on the site for fewer than 180 consecutive days,
- b) be fully licensed and ready for highway use, or
- c) meet the permit requirements of Gillette City Code § 7-13, Section C(1), and the elevation and anchoring requirements for "manufactured homes" in paragraph (4) of this section. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

SECTION C. STANDARDS FOR SUBDIVISION PROPOSALS

1. All subdivision proposals including the placement of manufactured home parks and subdivisions shall be consistent with Gillette City Code §7-10, Sections B, C, and D of this ordinance.

2. All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet Development Permit requirements of Gillette City Code §7-12, Section C; Gillette City Code §7-13, Section C; and the provisions of Gillette City Code §7-14 of this ordinance.

3. Base flood elevation data shall be generated for subdivision proposals and other proposed development, including the placement of manufactured home parks and subdivisions which is greater than 50 lots or 5 acres, whichever is lesser, if not otherwise provided pursuant to Gillette City Code §7-12, Section B or Gillette City Code §7-13, Section B (8) of this ordinance.

4. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.

5. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

SECTION D. STANDARDS FOR AREAS OF SHALLOW FLOODING (AO/AH ZONES)

Located within the areas of special flood hazard established in Gillette City Code §7-12, Section B, are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of 1 to 3 feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:

1. All new construction and substantial improvements of **residential** structures have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified).

2. All new construction and substantial improvements of **non-residential** structures;

a) have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified), or;

b) together with attendant utility and sanitary facilities be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy.

3. A registered professional engineer or architect shall submit a certification to the Floodplain Administrator that the standards of this Section, as proposed in Gillette City Code §7-13, Section C (1)a., are satisfied.

4. Require within Zones AH or AO adequate drainage paths around structures on slopes, to guide flood waters around and away from proposed structures.

SECTION E. FLOODWAYS

Floodways - Located within areas of special flood hazard established in Gillette City Code §7-12, Section B, are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and erosion potential, the following provisions shall apply:

1. Encroachments are prohibited, including fill, new construction, substantial improvements and other development within the adopted regulatory floodway *unless* it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.

2. If, Section E (1) above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Gillette City Code § 7-14.

3. Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Regulations, a community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the community **first** applies for a conditional FIRM and floodway revision through FEMA.

(Ord. 775, §§ 3, 4, 3-17-75; Ord. 912, 12-19-77; Ord. 2050, 6-3-96; Ord. 3344, 10-4-2004; Ord. 3524, 12-3-2007)

§ 7-15 Penalties for Noncompliance

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violation of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$ 750, for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the City of Gillette from taking such other lawful action as is necessary to prevent or remedy any violation.

(Ord. 912, 12-19-77; Ord. 2050, 6-3-96; Ord. 3344, 10-4-2004; Ord. 3524, 12-3-2007)

ARTICLE 5

Plant Investment Fees

§7-16 Plant Investment Fees - Sewer.

(a) Sewer connections to the sanitary sewer system of the City within the City shall be made only by the City after application for permission for such service is made. There will be charges made as a Plant Investment Fee-Sewer for all connections, determined by reference to the size of the water meter serving the structure, or other use, connected to the sewer system.

(b) The phrase "connections to the sanitary sewer system" as used in this section shall include not only the connections to the primary sewer system of the City, but all feeder lines connected thereto, whether owned privately or by the City.

(c) The City Engineer or his designated representative shall determine the water meter size required for any structure or other use. All plant investment fees shall be paid prior to the issuance of a Building Permit if required, or upon connection and prior to use if no Building Permit is required. (Ord. 3538, 3-3-2008)

(d) The determination of the City Engineer shall be made according to relevant and prevailing engineering standards such as, for copy of which is available for public inspection during normal business hours in the office of the City Engineer.

(e) Renumbered to §17-12 [§ 7-16], effective January 1, 2005, (Ord. 3334, 8-2-2004; Ord. 3344, 10-4-2004)

(C.O. 1948, § 110; Ord. 376, § 1, 10-3-49; Ord. 426, §1, 6-1-59; Ord. 593, § 1, 9-30-69; Ord. 607, § 1, 2, 12-23-69; Ord. 616, §1, 4-6-70; Ord 672, §§ 1, 2, 5-1-72; Ord 756, § 1, 8-27-74; Ord. 757, § 1, 8-27-74; Ord. 830, §§ 1, 2, 7-19-76; Ord. 848, 10-18-76; Ord. 1079, §2, 4-7-80, Ord. 1500, 11-21-83, Ord. 1578, 2-19-85; Ord. 2050, 6-3-96; Ord. 3334, 8-2-2004; Ord. 3344, 10-4-2004)

§7-17 System Development Charge and Plant Investment Fee - Water.

(a) The Gillette Regional Water Supply System includes water supply facilities, infrastructure, and components necessary to provide water supply to the City of Gillette and Wholesale Customers within a Designated Service Area (DSA), as defined by the Gillette Regional Water Supply System Joint Powers Agreement (JPA), dated December 21, 2010. A System Development Charge (SDC) will be charged for every new connection, including new Wholesale Customers who have executed a Water Services Agreement, to the Gillette Regional Water Supply System, provided that Wholesale Customers listed in Exhibit C to the JPA shall not be charged a SDC for their initial connection to the Gillette Regional Water Supply System. A SDC will be charged for any additional connection to the Gillette Regional Water Supply System through any Wholesale Customer. Any new connections to the City of Gillette Distribution System shall pay a Plant Investment Fee – Water (PIF-W). (Ord. 3887, 4-19-2016)

(b) The phrase "connections to the Gillette Regional Water Supply System" as used in this section shall include connections to the City of Gillette Distribution System, and all connections by Wholesale Customers and any individual connections to their systems. (Ord. 3887, 4-19-2016)

(c) The City Engineer or his designated representative shall determine the water meter size required for all connections to the Gillette Regional Water Supply System. All SDCs, meter costs, permit fees and PIF-W fees shall be paid prior to the issuance of a Building Permit if required, or upon connection and prior to use if no Building Permit is required. (Ord. 3538, 3-3-2008; Ord. 3887, 4-19-2016)

(d) The determination of the City Engineer shall be made according to relevant and prevailing engineering standards such as, for purposes of example but not limitation, the A.W.W.A. Manual #22, a copy of which is available for public inspection during normal business hours in the office of the City Engineer.

(e) Renumbered to §17-12,[§17-17] effective January 1, 2005, (Ord. 3334, 8-2-2004)
(Ord. 1314, 2-1-82, Ord. 1578, 2-19-85, Ord. 2041, 5-6-96; Ord. 2050, 6-3-96; Ord. 3334, 8-2-2004;
Ord. 3344, 10-4-2004; Ord. 3887, 4-19-2016)

§7-18 (unused) (C.O. 1948, §123, Ord. 593, §3, 9-30-69; Ord. 756, §3, 8-27-74; Ord. 948, §1,
7-5-78; Ord. 2097, 4-21-97; Ord. 3344, 10-4-2004; Ord. 3622, 5-18-2009)

§7-19 Payment For Oversized Water and Sewer Lines

A. Whenever sewer or water lines are constructed which are oversized at the request of the City Engineer to permit more connections than those to be made within the subdivision being primarily served, (hereinafter the project) that developer shall be paid for the incremental cost of the oversized sewer or water line at the time the sewer or water lines are accepted by the City.

B. To be eligible for an oversizing payment, the sewer or water line must be capable of serving users outside the project, as a result of over-sizing alone or in conjunction with other design elements and the improvements must conform to the specifications, standards and regulations of the City Engineer. If the sewer or water lines connect the project to the City system across intervening land which is not a part of the project none of the extra cost of that off-site portion of the line or lines is recoverable. Only the base construction and design costs, as described above, of the extra capacity of oversize lines within the project are recoverable. All base construction and design costs are determined by the City Engineer through consultation with the developer and his agents and a review of all relevant cost items. The developer shall competitively bid the water and sewer improvements for both the oversized improvements and improvements without oversizing and submit the bid tabulations for review by the City Engineer to determine the incremental cost of oversizing.

C. If the over-size lines are constructed through the formation of a Local Improvement District in compliance with state law the incremental cost of the oversizing, as determined by the City Engineer shall be applied against the cost of the improvements to reduce the amount of the construction cost for purposes of calculating the assessments.

(Ord. 972, 10-23-79, Ord. 989, 5-7-79, Ord. 1095, 5-5-80, Ord. 1159, 1-5-81 Ord. 1208, 6-15-81,
Ord. 1397, 10-4-82, Ord. 1506, 12-19-83; Ord. 1604, 9-16-85; Ord. 2097, 4-21-97; Ord. 3344, 10-
4-2004; Ord. 3622, 5-18-2009)

§7-20 (unused) (Ord. 1644, 2-16-87; Ord. 2050, 6-3-96; Ord. 3344, 10-4-2004)

ARTICLE 6

Stormwater Management

§ 7-21. Purpose, Findings of Fact, Applicability, Compatibility, Severability and City Storm Drainage Design Manual

The City of Gillette establishes this set of water quality and quantity policies applicable to all surface waters to provide reasonable guidance for the regulation of stormwater runoff for the purpose of protecting local water resources from degradation.

SECTION A. PURPOSE

The purpose of this article is to establish minimum stormwater management requirements and controls to protect and safeguard the general health, safety, and welfare of the public residing in watersheds within this jurisdiction. This article seeks to meet that purpose through the following objectives:

1. Minimize increases in stormwater runoff from any land disturbing activities in order to reduce flooding, siltation and stream bank erosion, and maintain the integrity of stream channels.
2. Minimize increases in non-point source pollution caused by stormwater runoff from land disturbing activities which would otherwise degrade local water quality.
3. Minimize the total annual volume of surface water runoff which flows from any group of development sites, sub-watersheds, or watershed through the use of established stormwater volume control techniques as detailed in the Storm Drainage Design Manual.
4. Reduce stormwater runoff rates and volumes, soil erosion and non-point source pollution, wherever possible, through stormwater management controls and ensure that these stormwater management controls are properly maintained such that they pose no threat to public health and safety.

SECTION B. FINDINGS OF FACT

It is hereby determined that:

Stormwater runoff contributes to increased quantities of water-borne/non-point source pollutants. Land disturbing activities and associated increases in impervious cover alter the hydrologic response of local watersheds and increase stormwater runoff rates and volumes, flooding, stream channel erosion, and sediment transport and deposition. Stormwater runoff from commercial, industrial and residential activities further contributes to pollutant loading and increases water volume. These impacts on water quality, soil erosion and nonpoint source pollution can be controlled and minimized through the regulation of stormwater runoff.

Therefore, the City of Gillette establishes this set of water quality and quantity policies applicable to all surface waters to provide reasonable guidance for the regulation of stormwater runoff for the purpose of protecting local water resources from degradation. It is determined that the regulation of stormwater runoff discharges from land development projects, construction activities, and existing urban activities is necessary in order to control and minimize increases in stormwater runoff rates and volumes. The regulation of soil erosion, stream channel erosion, and non-point source pollution associated with stormwater runoff is in the public interest to help prevent threats to public health and safety.

SECTION C. APPLICABILITY

This Article shall be applicable to the entire City of Gillette covering all subdivisions, developments, site plans, residential building permit applications, as well as existing residential, commercial, industrial, and institutional properties, unless eligible for an exemption or granted a waiver by the City of Gillette.

SECTION D. COMPATIBILITY

This Article is not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law. The requirements of this article should be considered minimum requirements, and where any provision of this Article imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher protective standards for human health or the environment shall be considered to take precedence.

SECTION E. SEVERABILITY

If the provisions of any article, section, subsection, paragraph, subdivision or clause of this Article shall be judged invalid by a court of competent jurisdiction, such order or judgment shall not affect or invalidate the remainder of any article, section, subsection, paragraph, subdivision or clause of this article.

SECTION F. CITY STORM DRAINAGE DESIGN MANUAL

In Chapter 7, Section 7-5 of Gillette City Code, the City of Gillette has developed and adopted additional policy, criteria, and information, including technical specifications and standards, for the proper implementation of the requirements of this Article and provides such information in the form of a Storm Drainage Design Manual.

The manual may be updated and expanded from time to time, at the discretion of the City of Gillette, based on improvements in engineering, science, monitoring and local maintenance experience. Stormwater Management practices must be designed and constructed in accordance with the design and sizing criteria outlined in the Storm Drainage Design Manual.

One copy of the manual shall be available for public inspection at the office of the Engineering Division and the office of the City Clerk during normal business hours. The document will also be available to download free of charge on the City's website. (Ord. 3891, 4-19-2016)

§ 7-22. Definitions

1. Applicant means a property owner or agent of a property owner who has filed an application for a stormwater management permit.
2. Best Management Practices (BMPs) shall mean structural or engineered control devices and systems to treat stormwater, which may be temporary or permanent in nature. BMPs may also be non-structural, operational or procedural practices, such as schedules of activities, prohibitions of practices, maintenance procedures, and/or other management practices to prevent or reduce erosion and sediment runoff.
3. Certificate of Termination (COT) means documentation issued by the City Engineer or Chief Building Official of the City of Gillette terminating stormwater permit coverage once construction activities are complete.
4. Channel means a natural or artificial watercourse with a definite bed and banks that conveys continuously or periodically flowing water.
5. City of Gillette shall mean a representative or designee of the City of Gillette to include persons from the Department of Development Services.
6. City of Gillette Engineer shall mean the person currently employed by City of Gillette to serve as City Engineer, or their designee.
7. Dedication means the deliberate appropriation of property by its owner for general public use.
8. Design Professional means a person such as a land surveyor, engineer, architect or other person who has knowledge or training of the application of design principles related to stormwater pollution prevention plans. (Design Professionals are recommended but not required for individual residential lots.)
9. Developer means a person who undertakes land disturbance and/or development activities.
10. Development shall mean a planning or construction project involving substantial property improvement and, usually, a change of land-use character within the site; the act of using land for building purposes.
11. Engineer shall mean a person licensed as a Professional Engineer in the State of Wyoming.

12. Erosion means the wearing away of land as caused by development activities that exceeds the natural processes by which the surface of the land is worn away by the action of water, wind, or chemical action.
13. Fee in Lieu means a payment of money, by way of variance approval, in place of meeting all or part of the Stormwater Management standards. The standards and variances are as outlined by this Article and the Storm Drainage Design Manual.
14. Final Stabilization means a uniform perennial vegetative cover with a density of at least 70% of the native background cover that has been established on all disturbed areas that have not been paved over or covered by permanent structures. This, in part, may include any required landscaping for development.
15. Impervious Cover means those surfaces that cannot effectively infiltrate rainfall (e.g., building rooftops, pavement, sidewalks, driveways, etc).
16. Industrial Stormwater Permit means a National Pollutant Discharge Elimination System (NPDES) permit issued to a commercial industry or group of industries which regulates the pollutant levels associated with industrial stormwater discharges or specifies on-site pollution control strategies.
17. Infiltration means the process of percolating stormwater into the subsoil.
18. International Residential Code (IRC) is a comprehensive, stand-alone residential code adopted by the City of Gillette that creates minimum regulations for one and two family dwellings and townhomes of three stories or less. The IRC is the adopted building code for the incorporated areas of the City of Gillette providing for the regulation of the erection, construction, enlargement, alteration, repair, moving, demolition, conversion, occupancy, use, height and area of all buildings and structures.
19. International Building Code (IBC) shall apply to the construction, alteration, relocation, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures. The scope includes all buildings except detached one- and two-family dwellings and townhouses up to three stories.
20. Jurisdictional Wetland means an area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.
21. Land Disturbance Activity means any activity which changes the volume or peak flow discharge rate of rainfall runoff from the land surface. This may include the grading, digging, cutting, scraping, or excavating of soil, placement of fill materials, paving, construction, substantial removal of vegetation, or any activity which bares soil or rock or involves the diversion or piping of any natural or man-made watercourse.
22. Landowner means the legal or beneficial owner of land, including those holding the right to purchase or lease the land, or any other person holding proprietary rights in the land.

23. Municipal Separate Storm Sewer System (MS4) shall mean a conveyance or system of conveyances, including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains, that is designed or used for collecting or conveying stormwater; not privately owned; not a combined sewer; and not part of a Publically Owned Treatment Works (POTW).
24. Non-point Source Pollution means pollution from any source other than from any discernible, confined, and discrete conveyances, and shall include, but not be limited to, pollutants from agricultural, silvicultural, mining, construction, subsurface disposal and urban runoff sources.
25. Notice of Intent (NOI) serves as the application for permit coverage under WYDEQ Construction General Permit.
26. Notice of Termination (NOT) means the termination of permit coverage associated with construction activity under the Wyoming Stormwater General Permit.
27. Notice of Transfer and Acceptance (NOTA) means the form submitted by the current and future Permittee to the City of Gillette when the responsibility for controlling the stormwater discharges for a construction activity transfers from one operator to another. This form is also used to acknowledge the mutual agreement and acceptance between a homebuilder and a homebuyer that the final stabilization requirements have not been met and that they are being conveyed from one party to the other.
28. Off-Site Facility means a stormwater management measure located outside the subject property boundary described in the permit application for land development activity.
29. Outfall shall mean the point or location where stormwater runoff discharges from a conduit, stream or drain, storm sewer, channel, or detention/retention facility.
30. Permittee shall mean the “person responsible for the land-disturbing activity” or who has ownership interest in the property.
31. Person shall mean, except to the extent exempted from this Article, any individual partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, city, town, county or other political subdivision of the State, any interstate body or any other legal entity conducting land-disturbing activities subject to this article.
32. Qualified Personnel is a person who is familiar with the requirements of the SWPPP, permit conditions and the proper operation and maintenance of all implemented BMPs.
33. Receiving Waters means bodies of [water](#) that receive [runoff](#) or [wastewater discharges](#), such as [rivers](#), streams, [lakes](#), [estuaries](#), and [ground water](#).
34. Recharge means the replenishment of underground water reserves.

35. Re-development means any construction, alteration or improvement of 2,500 square feet or more in areas where existing land use is high density commercial, industrial, institutional or multi-family residential.
36. Site shall mean the entire area of the land-disturbing activities as proposed in the permit application.
37. Soil Stabilization means either final or temporary stabilization of disturbed areas that are initiated immediately whenever any clearing, grading, excavating or other earth disturbing activities have permanently ceased on any portion of the site, or temporarily ceased on any portion of the site and will not resume for a period exceeding fourteen (14) calendar days.
38. Stop Work Order means an order issued which requires that all construction activity on a site be stopped.
39. Stormwater Discharger and/or Permittee means any person responsible for a construction site, industrial facility or a person who owns or controls personal property or equipment that impacts the quality of stormwater discharges, either by increasing the quantity/volume and/or conveying pollutants via stormwater runoff which flows directly to the MS4.
40. Stormwater Maintenance Agreement is a legally recorded document that acts as a property deed restriction, and which provides for long-term maintenance of permanent stormwater management practices.
41. Stormwater Management means the use of structural or non-structural practices that are designed to reduce stormwater runoff pollutant loads, discharge volumes, and/or peak flow discharge rates.
42. Stormwater Pollution Prevention Plan (SWPPP) shall mean the document required by the City of Gillette as part of any land disturbing activity of 2,500 square feet or more which addresses the temporary and permanent Stormwater Management activities or BMPs. The WY DEQ minimum requirements for a SWPPP shall be considered as meeting the SWPPP requirements of the City.
43. Stormwater Runoff means flow on the surface of the ground resulting from precipitation.
44. Watercourse means a permanent or intermittent stream or other body of water, either natural or man-made, which gathers or carries surface water.
45. Wyoming Department of Environmental Quality (Wyoming DEQ) Agency responsible for enforcing the Clean Water Act in the State of Wyoming.
46. Wyoming Pollutant Discharge Elimination System (WYPDES) means the program established by the federal Clean Water Act to regulate the discharge of pollutants into surface waters of the State of Wyoming.

(Ord. 3891, 4-19-2016)

§ 7-23. General Prohibitions

1. No person, site or facility shall discharge, cause, permit, or contribute to the discharge of any of the following to the municipal storm sewer system or receiving waters except where approved by the City of Gillette and Wyoming DEQ:
 - a. Any liquid, solid, or gas which by reason of its nature or quantity are flammable, reactive, explosive, corrosive, or radioactive or by interaction with other materials could result in fire, explosion or injury;
 - b. Any solid or viscous materials that could cause obstruction to the flow or operation of the municipal storm sewer system;
 - c. Any pollutant that injures or constitutes a hazard to human, animal, plant, or fish life, or creates a public nuisance;
 - d. Any medicinal, infectious, toxic, or hazardous material or waste.
2. No person, site or facility shall discharge into or connect any pipe or channel to a local watercourse or modify a watercourse unless a written permit has first been obtained from the City of Gillette and all other applicable, state and federal jurisdictions.
3. No person, site or facility responsible for new development, significant re-development or construction sites shall fail to use Best Management Practices, as approved in the SWPPP, to control the discharge of pollutants, as defined in the State of Wyoming DEQ Water Quality Rules and Regulations, in stormwater runoff to the municipal separate storm sewer system or its receiving waters.
4. No political subdivision or any person subject to the authority of a political subdivision that discharges, contributes or allows the discharge or contribution of stormwater directly or indirectly to the municipal separate storm sewer system of the City of Gillette shall fail to use Best Management Practices, as approved by the SWPPP, to control the discharge of pollutants and volume of flow in such discharges.
5. No person, site or facility shall allow excessive fugitive dust emission which causes or has the potential of entering public rights-of-way or causes or has the potential to cause harm to public or private property.
6. No person shall construct, use, maintain or continue existence of illicit connections to the storm drain system.
 - a. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
 - b. A person is considered to be in violation of this article if the person connects a line conveying sewage to the MS4, or allows such a connection to continue.

7. Exemptions from Discharge Prohibitions

The following discharges are exempt from this article:

- a. Discharges specified in writing by the authorized enforcement agency as being necessary to protect public health and safety.
- b. Dye testing is an allowable discharge, but requires a verbal notification to the authorized enforcement agency prior to the time of the test.
- c. The prohibition shall not apply to any non-stormwater discharge permitted under a WYPDES and/or NPDES permit, waiver, or waste discharge order issued to the Discharger and administered under the authority of the Federal Environmental Protection Agency, provided that the Discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.
- d. Discharge or connection regulated under an Industrial Stormwater WYPDES Permit provided that the Discharger is in compliance with all requirements of the Permit issued to the Discharger, administered by the Wyoming DEQ, and all other applicable laws and regulations.
- e. Discharges from the following activities, unless identified by the City of Gillette or Wyoming DEQ as significant sources of pollutants to surface waters of the State:
 - i. Waterline flushing;
 - ii. Landscape irrigation, general irrigation, or lawn watering;
 - iii. Diverted stream flows;
 - iv. Rising ground waters;
 - v. Uncontaminated ground water infiltration other than wastewater that enters a sewer system, including sewer service connections and foundation drains, from the ground through such means as defective pipes, pipe joints, connections, or manholes. Infiltration does not include, and is distinguished from, inflow;
 - vi. Uncontaminated pumped ground water;
 - vii. Discharges from potable water sources;
 - viii. Foundation and footing drains;
 - ix. Air conditioning condensation;

- x. Non-commercial vehicle washing;
- xi. Flows from riparian habitats and wetlands;
- xii. De-chlorinated swimming pool discharges;
- xiii. Street wash water;
- xiv. Discharges or flows from firefighting and emergency response activities.

8. Notification of Spills

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation has information of any known or suspected release of hazardous substances or pollutants as defined in the State of Wyoming DEQ Water Quality Rules and Regulations or any illegal discharges discharging into the storm drain system, or waters of the state, the said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous substances, said person shall immediately notify Wyoming DEQ and any other required Emergency Response Agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials or other illicit discharges, said person shall notify the Wyoming DEQ and any other responsible Emergency Response Agencies and follow up with the City of Gillette in person or by phone or email no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the City of Gillette within three business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

(Ord. 3891, 4-19-2016)

§ 7-24. Stormwater Permit Procedures and Requirements

1. Permit Required

The City of Gillette has developed a set of stormwater permitting standards that must be met on any construction activity disturbing 2,500 or more square feet of land and that is also required to operate under one of the following City permits; City Building Permit, City Permit-to-Construct, or City Grading Permit.

2. Permit Exemptions

The following activities may be exempt from the stormwater permitting criteria unless they are found to be adversely impacting stormwater runoff, or otherwise found to be noncompliant with the terms of this Article:

- a. Any agricultural activity, as well as common residential gardening practices;
- b. Additions or modifications to existing single family structures disturbing less than 2,500 square feet of land;
- c. Land disturbing activities that disturb less than 2,500 square feet of land, provided they are not part of a larger common development plan, even though multiple separate and distinct land development activities may take place at different times on different schedules;
- d. Repairs to any stormwater facilities deemed necessary by the City of Gillette;
- e. Land disturbance activities permitted by the City prior to the effective date of this Article;
- f. Land disturbance activities that are permitted under a City Street Cut or Right-of-Way Permit as outlined under Chapter 18 of the Gillette City Code. These projects shall be responsible for erosion and sediment control under the terms of that permit;
- g. City capital construction projects that are managed under City contract and under WYPDES permitting;
- h. WY DOT administered projects within the City that are managed under WY DOT contract and WYPDES permitting.

No landowner or applicant shall receive any of the Building, Grading, Permit-to-Construct, or other land development permits required for land disturbance activities without meeting the requirements of this Article prior to commencing with the proposed activity.

Site disturbances greater than one acre also require a Construction General Permit from the State of Wyoming DEQ. The City of Gillette's requirements for sites greater than one acre are in addition to the requirements of state and federal agencies.

3. Application Requirements

Unless specifically excluded by this article, any landowner or applicant requiring authorization for a land disturbance activity of 2,500 square feet or more shall submit to the City of Gillette a Stormwater Permit Application form provided by the City for that purpose.

A complete permit application form must also include the following:

- a. SWPPP
- b. Copy of Notice of Intent (NOI) submitted to the State as applicable to the requirements of the State of Wyoming (Wyoming DEQ)

c. Non-refundable Permit Review Fee

4. Application Procedure

Permit applications for land disturbance activity must be filed with the City of Gillette and can be made on any regular business day. In general, the City of Gillette shall inform the applicant whether the application and plan are approved or disapproved within fifteen (15) business days of the receipt of a complete permit application, including all documents as required by this article. If the permit application and SWPPP are disapproved, the applicant may revise the permit application. If additional information is submitted, the City of Gillette shall inform the applicant that the permit application is either approved or disapproved generally within 15 business days from the date the additional information is received. Any additional submittals or plan changes will require additional review fees. If the permit application, including the SWPPP, is approved by the City of Gillette, all appropriate land disturbance activity permits under jurisdiction of the City may then be issued.

5. Permit Duration

Permits issued under this section shall be valid from the date of issuance through the date of anticipated completion as indicated on the Permit Application, but in no case longer than 12 months for single family residential construction with no more than one 12 month extension allowable with the applicable extension fee having been submitted. For subdivisions and commercial or industrial land development, the permit duration shall be 24 months with no more than one 12 month extension with the applicable extension fee having been submitted.

6. Permit Transfer

When the responsibility for controlling the stormwater discharges for a land disturbance activity changes from one Permittee to another, the current and future Applicant/Permittee shall submit a completed Notice of Transfer and Acceptance (NOTA) form to the City of Gillette. The form must be signed by both parties and shall be submitted to the City of Gillette within 14 days of the change in Permittee. The NOTA form is available from the City.

The new Permittee must comply with all conditions in this permit and with all provisions of the existing SWPPP until such time that the existing SWPPP is amended or replaced by a new SWPPP.

The new Applicant/Permittee may develop and implement a new SWPPP for their parcel(s) that meets all the terms and conditions of this permit, or adopt and continue to implement the original SWPPP provided it is adequate for the new activities occurring on-site. With either option, the Permittee shall ensure, either directly or through

coordination with other Permittees that their SWPPP meets all terms and conditions of permit coverage and their activities do not interfere with another party's erosion and sediment control practices.

7. Exceptions to Permit Transfers

For the transfer of properties within a development (e.g., an original developer sells portions of the property to various homebuilders), the new Applicant must obtain their own permit coverage for their activity on that property. The Stormwater Permit shall be obtained prior to or in conjunction with the applicable Building Permit(s) and must be obtained at the time of property transfer. The overall development property will remain active under that Permittee until the conditions of this ordinance are met for Permit termination. Permit transfers would not apply under these circumstances.

For the transfer of properties between a homebuilder and a single family residence homeowner, the homebuilder must obtain signature of the homebuyer on the City provided Notice of Transfer and Acceptance Form. By signing the NOTA, the homebuilder and homeowner are mutually acknowledging that soil stabilization measures are in place, however, that the final stabilization requirement of the property is not yet met. The NOTA also gives notice that it is the homebuyer's responsibility under the language of this ordinance to establish final stabilization by either sod, seeding, landscaping, or other applicable combination of final stabilization measures as outlined in the City's Storm Drainage Design Manual. The homeowner shall have twelve (12) months from the time of signing the NOTA to meet the final stabilization requirement.

8. Permit Termination

When all land disturbing activities are complete and final stabilization and/or required landscaping has been established, the Permittee shall complete a Certificate of Termination (COT) form obtained from the City of Gillette. If covered under the WYPDES Large Construction General Permit, Permit holders are also required to submit a copy of the Wyoming DEQ Notice of Termination (NOT) to the City of Gillette.

The City of Gillette will then conduct a final inspection and issue a Certificate of Termination if conditions of the permit have been met and all stormwater management practices have passed inspection.

If compliance is not met, the City will notify the permit holder to remedy the remaining issues and to request a new final inspection once complete. A COT will only be issued after the City of Gillette has conducted a final inspection and all stormwater management practices have passed final inspection requirements.

Exception to final stabilization requirement for Permit Termination: At the point of property transfer and signing of the NOTA by a single family residence homebuyer and a homebuilder, the homebuilder is also acknowledging compliance with all other requirements of the Permit, including temporary soil stabilization, and can terminate their Permit through the function of the NOTA form and upon final inspection of the site by the City. Final stabilization under this circumstance becomes the homebuyer's responsibility.

(Ord. 3891, 4-19-2016)

§ 7-25. Stormwater Permit Fees

1. Stormwater Permit Fees

The fee for a stormwater permit for any land disturbing application shall be established by the City of Gillette and shall be based on the number of units for Single Family Dwellings, and on the area of disturbance for Subdivisions and Commercial and Industrial Development.

The fees shall be set forth as follows:

Stormwater Permit Fee Schedule			
Subdivisions			
	Area of Disturbance		Permit Fee
	<5 acres		\$100
	5 acres or more		\$0*
Commercial and Industrial Developments			
	<5 acres		\$100
	5 acres or more		\$0*
Permit Extension Fee for all above Permits			\$250
*\$200-\$500 WYDEQ Large Construction General Permit fees apply			
Single Family Dwelling Permits (as defined by IRC)			
Dwelling Units			\$30/unit
Permit Extension Fee			\$100

(Ord. 3891, 4-19-2016)

§ 7-26. Erosion and Sediment Control Inspection

1. Best Management Practices (BMPs) for Erosion and Sediment Control

Installation and maintenance of BMPs for Erosion and Sediment Control are required for all land disturbing activities requiring a Stormwater Permit from the City of Gillette, and any site that discharges sediment into the City's storm drainage system. Grading, erosion control practices, sediment control practices, and waterway crossings shall meet the design criteria set forth in the most recent version of the City of Gillette Storm Drainage Design Manual, and shall be adequate to prevent transportation of sediment from the site to the satisfaction of the City of Gillette. Specific BMP selection and compliance with the manufacture's installation and maintenance criteria are the responsibility of the Permittee.

Site clearing, except those activities necessary to establish sediment control devices, shall not begin until all perimeter and initial phasing sediment control devices have been installed.

Erosion control requirements shall include the following:

- a. Final or temporary stabilization of disturbed areas must, at a minimum, be initiated immediately whenever any clearing, grading, excavating or other earth disturbing activities have permanently or temporarily ceased on any portion of the site and will not resume for a period exceeding fourteen (14) calendar days. Operators are not required to initiate stabilization measures in areas of a project that are essential for site access or work activities until those areas are no longer needed for ongoing access or work.
- b. Temporary stabilization may be used whenever construction activities are expected to resume in the area to be stabilized or when weather or other conditions are not appropriate for initiation of permanent stabilization. Temporary stabilization includes practices such as cover crop planting, installation of rolled erosion products, mulching (provided the mulch is protected from wind such as crimping straw mulch into the soil), or surface roughening (such as plowing to achieve a rough, cloddy surface). Practices that provide equivalent erosion protection may be used.
- c. Areas to be protected include graded slopes, ditches, berms and soil stockpiles and all other disturbed areas with potential to contribute sediment to runoff that will leave the construction site.
- d. The entire site must be stabilized, using a heavy mulch layer or another method that does not require germination to control erosion, at the completion of the

construction project and/or close of the construction season (e.g., winter shutdown).

- e. Techniques shall be employed to prevent the blowing of dust or sediment from the site. All entities subject to regulation under this ordinance are required to make every reasonable effort to minimize dust from construction and land disturbing activities.
- f. Techniques that divert upland runoff past disturbed slopes shall be employed.
- g. Where the initiation of stabilization is precluded by snow cover or frozen ground conditions, stabilization measures must be initiated as soon as practicable.

2. Notice of Construction Commencement

The Permittee must notify the City of Gillette before the commencement of construction. Initial inspections specific to the implementation of the SWPPP BMPs shall be conducted by City staff. All inspections shall be documented and written reports prepared that contain the following information:

- a. The date and location of the inspection;
- b. Whether construction is in compliance with the approved SWPPP;
- c. Variations from the approved SWPPP; and/or
- d. Any deficiencies or violations that exist

If any violations or deficiencies are found, the Permittee shall be notified in writing at the time of inspection of the nature of the deficiency or violation and the required corrective actions. No additional work shall proceed until any violations or deficiencies are corrected, or the City of Gillette gives approval for work to proceed.

3. Inspection Requirements

Permittee Inspections:

The Permittee or their qualified personnel shall make regular inspections of all control measures in accordance with the inspection schedule outlined in the approved SWPPP as hereinafter required. All inspections shall be documented in written form.

- a. Active construction sites:

Inspections must be conducted in accordance with one of the two schedules listed below. You must specify in your SWPPP which inspection schedule you will use.

- 1) At least once every 14 calendar days and within 24 hours of any precipitation and/or snow melt event which exceeds 0.5 inches. The Permittee shall have the option of maintaining a rain gauge at their site or using the nearest National Weather Service precipitation gauge station. OR
 - 2) At least once every seven days.
- b. Inactive construction sites.

The frequency of inspections may be reduced to once every 30 days after the Permittee has completed earthwork and construction activities at the construction site and has installed BMPs as specified in the SWPPP. All areas to be inspected monthly must have initiated temporary or permanent stabilization measures as required.

If the qualified personnel responsible for implementing the SWPPP changes, the changes must be noted in the SWPPP within 14 days of transfer of operational control and must list the new qualified personnel.

The SWPPP, inspection reports, and plans for grading, stripping, excavating, and fill work bearing the stamp of approval of the City of Gillette shall all be maintained and available at the construction site unless infeasible. In cases where there is not a trailer or structure to store these documents, they must otherwise be made readily available to the City upon request.

SWPPP retention, plan revisions or amendments, and plan availability shall be managed and as outlined by the WY DEQ SWPPP requirements.

City Inspections:

The City of Gillette may inspect any construction site, industrial facility or other premises required to comply with the provisions of this article to determine compliance with the rules, regulations and standards of the City of Gillette and/or Wyoming DEQ. Inspection programs may be established on any reasonable basis, including but not limited to: routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; inspection of drainage basins or areas identified as higher than typical sources of sediment or other contaminants or pollutants; inspections of businesses or industries of a type associated with higher than usual discharges of contaminants or pollutants, or with discharges of a type which are more likely than the typical discharge to cause violations of state or federal water quality standards or the WYPDES general construction stormwater permit; and joint inspections with other agencies inspecting under environmental or safety laws.

The Permittee shall allow the City or its representatives to enter upon the premises during all regular construction hours for the inspection, sampling and the examination and copying of records. This includes the right to enter a property when it has a reasonable basis to believe that a violation of this article is occurring or has occurred, and to enter when necessary for abatement of a public nuisance or correction of a violation of this article. All violation notices will be presented to the Permittee in accordance with the Enforcement and Penalties Chapter of this Article.

For single family residential permits, City inspection of BMPs will occur in conjunction with other relevant site inspections, with exception to the initial inspection of BMP installation, which must be coordinated prior to commencing with construction activity.

For residential and commercial subdivisions and commercial or industrial land developments, the Permittee shall notify the City of Gillette of each of the following events in conjunction with the milestones of the project as listed:

- a. Installation of sediment and erosion measures (BMPs) (Preconstruction Meeting)
- b. Start of construction (Preconstruction Meeting)
- c. Completion of site clearing (Weekly Progress Reports)
- d. Completion of rough grading (Weekly Progress Reports)
- e. Completion of final grading (Weekly Progress Reports)
- f. Completion of the construction season (Final Inspections/Project Acceptance)
- g. Completion of final landscaping and/or final stabilization (Permit Termination)

4. BMP Maintenance

On any property on which grading or other work has been done pursuant to a permit granted under the provisions of this Article the Permittee shall, at a minimum, conduct inspections and maintain and/or repair all graded surfaces and erosion control facilities, drainage structures or means and other protective devices, plantings, and ground cover installed while construction is active in accordance with the approved SWPPP, as applicable.

All control devices similar to silt fence or fiber rolls must be repaired, replaced, or supplemented when they become nonfunctional, the sediment reaches 1/3 of the height of the device or as recommended in the manufacture's specification (if manufacturer's specifications are different, then a copy of the specifications should be kept with the SWPPP).

Repairs and maintenance should be made within the following time frames;

- a. Active construction sites: These repairs must be made within 24 hours of discovery, or as soon as field conditions allow access.
- b. Inactive construction sites: These repairs must be made within 14 days of discovery, or as soon as field conditions allow access.

5. Final Stabilization Requirements and Landscaping

Any area of land from which the natural vegetative cover has been either partially or wholly cleared or removed by development activities shall be stabilized or re-vegetated within fourteen (14) calendar days from the substantial completion of such clearing activities. Criteria for stabilization are outlined in the Storm Drainage Design Manual.

After construction is complete and final stabilization is installed, the owner or their agent shall continue to regularly inspect the vegetation until adequate turf or other suitable type of stabilization is established as described under the Final Stabilization definition.

At the completion of construction for commercial development, when the required landscaping is utilized as a method of final stabilization, a Notice of Termination will not be granted for the site until landscaping is approved.

(Ord. 3891, 4-19-2016)

§ 7-27. Requirements for Stormwater Pollution

PREVENTION PLAN (SWPPP)

1. A SWPPP is required as part of all stormwater permits which disturb 2,500 square feet or more including subdivisions, commercial, industrial, and residential construction.

No application for development that requires a Stormwater Permit will be approved unless it includes a stormwater pollution prevention plan detailing how the SWPPP will be administered and in concept how runoff and associated water quality impacts resulting from the development will be controlled or managed. The SWPPP must indicate whether stormwater will be managed on-site or off-site, and the general location and type of practices.

This plan must be prepared and signed by a Design Professional who will verify that the design of all stormwater management practices meet the submittal requirements outlined in the SWPPP Checklist found in the Storm Drainage Design Manual. For individual residential lots, a Design Professional is recommended but not required. No Permit to Construct, Building, Grading, or Stormwater Permit shall be issued until a satisfactory final SWPPP, or a waiver thereof, shall have undergone a review and been approved by the City of Gillette after determining that the plan or waiver is consistent with the requirements of this article. The SWPPP may be referred for comment to all other interested agencies.

2. Stormwater Pollution Prevention Plan Requirements

A SWPPP shall be required with all permit applications and will include sufficient information as specified in the Storm Drainage Design Manual (e.g., maps, hydrologic calculations, etc.). The intent of this document is to inventory pollutants which have potential to leave the construction site in storm water runoff, identify Best Management Practices (BMPs) which, when implemented, will eliminate or minimize pollutants in runoff and meet the terms and conditions of the permit. Guidance materials for BMP selection and implementation can be found in the Storm Drainage Design Manual to determine the type of stormwater management measures necessary for the proposed project, and ensure adequate planning for management of stormwater runoff from future development. At a minimum the SWPPP shall meet the requirements of the WYPDES Large and Small Construction General Permit requirements, including:

- a. Identification of a SWPPP administrator
- b. Site description - narrative
- c. Site Map(s)
- d. Type and location of Best Management Practices (BMPs) and perimeter control
- e. Operations/Maintenance/Inspection Schedule(s)
- f. Training
- g. Amendment(s)
- h. Plan Availability/Retention
- i. Final Stabilization

For development or re-development occurring on a previously developed site, an applicant shall be required to include within the SWPPP, BMPs for controlling existing stormwater runoff discharges from the site in accordance with the standards of this article to the maximum extent practicable.

(Ord. 3891, 4-19-2016)

§ 7-28. Maintenance and Repair of Stormwater Detention Facilities

1. Maintenance Covenants

In an effort to minimize danger to public safety and public health, maintenance of all private, post construction detention facilities shall be ensured through the creation of a formal maintenance covenant that must be approved by the City of Gillette and recorded into the land record prior to final plan approval. This agreement will include any and all maintenance easements required to access and inspect the stormwater management practices, and to perform routine maintenance as necessary to ensure proper functioning of the stormwater detention facilities. As part of the covenant, a schedule shall be developed outlining the frequency with which maintenance will occur to ensure proper function of the facility and the parties responsible for maintenance. The covenant shall also include plans for periodic inspections to ensure proper performance of the facility between scheduled cleanouts and a facility site map.

In the cases of residential subdivisions, or in other instances as decided by the City Engineer, the City of Gillette, in lieu of a maintenance covenant, may accept dedication of any existing or future detention facility for maintenance, provided such facility meets all the requirements of this chapter and includes adequate and perpetual access and sufficient area, by easement or otherwise, for inspection and regular maintenance.

2. Requirements for Maintenance Covenants

All detention facilities must undergo, at the minimum, an annual inspection to document maintenance and repair needs and ensure compliance with the requirements of this Article and accomplishment of its purposes. These needs may include those outlined in the Storm Drainage Design Manual. Any maintenance needs found must be addressed in a timely manner, as determined by the City of Gillette, and the inspection and maintenance requirement may be increased as deemed necessary to ensure proper functioning of the stormwater management facility.

3. Records of Installation and Maintenance Activities

Parties responsible for the operation and maintenance of a stormwater management facility shall make records of the installation and of all maintenance and repairs, and shall retain the records for at least 3 years. These records shall be made available to the City of Gillette during inspection of the facility and at other reasonable times upon request.

4. Failure to Maintain Practices

If a responsible party fails or refuses to meet the requirements of the maintenance covenant, the City of Gillette, after reasonable notice, may correct a violation of the design standards or maintenance needs by performing all necessary work to place the facility in proper working condition. In the event that the stormwater management facility becomes

a danger to public safety or public health, the City of Gillette shall notify the party responsible for maintenance of the stormwater management facility in writing. Upon receipt of that notice, the responsible person shall have ten (10) calendar days to complete/remedy maintenance and repair of the facility in an approved manner. After proper notice, the City of Gillette shall assess the owner(s) of the facility for the cost of repair work plus any penalties which in part shall include an administrative fee of 15%.

5. As-Built Plans and Facility Site Map

All Permittees are required to submit actual "as built" plans and facility site map for any post-construction stormwater detention facilities located on-site after final construction is completed. The plan must show the final design specifications for all permanent BMPs and must be certified by a Wyoming licensed professional engineer. A final inspection by the City of Gillette is required before the Permit to Construct is closed out or a Commercial Project Certificate of Occupancy is issued.

(Ord. 3891, 4-19-2016)

§ 7-29. Waivers to Stormwater Detention Requirements

1. Waivers for Providing Post-Construction Stormwater Detention

Every applicant shall provide for stormwater quantity management, unless they file a written request to waive this requirement, and only as approved by the City Engineer. Post-construction water quality is encouraged but not required except when the site directly discharges to a wetland, or as otherwise required by the City Engineer.

The minimum requirements for stormwater detention may be waived in whole or in part upon written request of the applicant, provided that at least one of the following conditions applies:

- a. It can be demonstrated that the proposed development is not likely to impair attainment of the objectives of this Article.
- b. Provisions are made to manage stormwater by an off-site facility. The off-site facility is required to be designed, adequately sized and installed to be able to provide a level of stormwater control/enhancement that is equal to or greater than that which would be afforded by on-site practices and has a legally obligated entity deemed acceptable by the City of Gillette responsible for long-term operation and maintenance of the stormwater facility.
- c. The City of Gillette finds that meeting the minimum on-site detention requirements is not feasible due to the natural or existing physical characteristics or restraints of a site.

- d. Non-structural practices are provided that reduce the generation of stormwater from the site. These non-structural practices are explained in detail in the current Storm Drainage Design Manual.
- 2. In instances where one of the conditions above applies, the City of Gillette may grant a waiver from strict compliance with stormwater detention provisions that are not achievable, provided that acceptable mitigation measures are provided. However, to be eligible for a waiver, the applicant must demonstrate to the satisfaction of the City of Gillette that the immediately downstream waterways will not be subject to:
 - a. Deterioration of existing culverts, bridges, dams, and other structures;
 - b. Deterioration of biological functions or habitat;
 - c. Accelerated stream bank or streambed erosion or siltation;
 - d. Increased threat of flood damage, or risk to public health, life or property.

Furthermore, where compliance with minimum requirements for stormwater detention is waived, the Applicant will satisfy the minimum requirements by meeting one of the mitigation measures selected by the City of Gillette. Mitigation measures may include, but are not limited to:

- a. The purchase and/or donation of privately owned lands or the grant of an easement to be dedicated for preservation of green space shall be undertaken by the City of Gillette. These lands should be located adjacent to the stream corridor in order to provide permanent buffer areas to protect water quality and aquatic habitat.
 - b. The creation of a stormwater detention facility or other drainage improvements on previously developed properties, public or private, that currently lack BMPs designed and constructed in accordance with the purposes and standards of this article.
- 3. When a site development plan is submitted that qualifies as a re-development project as defined in Chapter 7-22 of this Article, decisions on permitting and on-site stormwater detention requirements shall be governed by stormwater sizing criteria found in the current Storm Drainage Design Manual. This criterion is dependent on the amount of impervious area created by the development and its impact on water quality. Final authorization of all re-development projects will be determined after a review by the City of Gillette Engineering Division.

(Ord. 3891, 4-19-2016)

§ 7-30. Basic Stormwater Detention Design Criteria

Unless judged by the City of Gillette to be exempt or granted a waiver, all site designs shall establish stormwater detention practices to control the peak flow rates of stormwater discharge associated with specified design storms and reduce the generation of stormwater. While not required to achieve quality standards at this time, these practices should seek to utilize pervious areas for stormwater treatment and to infiltrate stormwater runoff from driveways, sidewalks, rooftops, parking lots, and landscaped areas to the maximum extent practical to provide treatment for both water quality and quantity.

The City of Gillette Storm Drainage Design Manual specifies performance criteria for each stormwater management practice.

1. Minimum Control Requirements

All stormwater management practices will be designed so that the specific storm frequency storage volumes as identified in the current Storm Drainage Design Manual are met, unless the City of Gillette grants the applicant a waiver or the applicant is exempt from such requirements.

In addition, if hydrologic or topographic conditions warrant greater control than that provided by the minimum control requirements, the City of Gillette reserves the right to impose any and all additional requirements deemed necessary to control the volume, timing, and rate of runoff.

2. Site Design Feasibility

Stormwater management practices for a site shall be chosen based on the physical conditions of the site. Applicants shall consult the Storm Drainage Design Manual for guidance on the factors that determine site design feasibility when selecting a stormwater management practice.

3. Conveyance Issues

All stormwater management practices shall be designed to convey stormwater to allow for the reduction in flow velocities and minimization of pollutant discharges. This shall include, but not be limited to:

- a. Maximizing of flow paths from inflow points to outflow points
- b. Protection of inlet and outfall structures
- c. Elimination of erosive flow velocities
- d. Providing of underdrain systems, where applicable

The City of Gillette Storm Drainage Design Manual provides detailed guidance on the requirements for conveyance for each of the approved stormwater management practices.

4. Stream Channel Protection

Non-structural controls reduce the volume of stormwater runoff generated on-site and eliminate opportunities for pollutants to enter the stormwater system. Wherever possible developments should seek to preserve existing natural features such as riparian setbacks and enhance buffer areas.

5. Non-Structural Stormwater Practices

The use of non-structural stormwater treatment practices is encouraged in order to minimize the reliance on structural practices. Reductions in the amount of stormwater runoff can be obtained through the use of non-structural practices that reduce the generation of stormwater from the site. These non-structural practices are explained in detail in the Storm Drainage Design Manual and Applicants wishing to use non-structural practices must ensure that these practices are documented and remain unaltered by subsequent property owners.

(Ord. 3891, 4-19-2016)

§ 7-31. Enforcement and Penalties

1. It will be the responsibility of the Stormwater Discharger and/or Permittee to ensure compliance with all sections of this Article.

A Stormwater Discharger and/or Permittee who violates any provision of this Article, even if it does not violate any WYPDES permit conditions or limitations, is subject to enforcement and penalties described herein.

2. Enforcement Mechanisms

a. It is the intent of this Article that a process of compliance be pursued, when possible, prior to enforcement measures.

b. Violations may be enforced through any or all of the following measures:

- i. Notice of Deficiency
- ii. Notice of Violation and Civil Penalty
- iii. Stop Work Order
- iv. Permit(s) Suspension and/or Revocation

v. Proceedings in Law

- c. If, in the City of Gillette's assessment, the activities or lack of activity of the Stormwater Discharger and/or Permittee warrant or necessitate a more intensive enforcement mechanism, the City of Gillette may pursue those enforcement measures. The City of Gillette shall make the assessment of warrant and/or necessity based on a number of factors including, but not limited to, history of non-compliance, blatant disregard for the requirements or immediate adverse impact to adjacent properties, the MS4 and/or Waters of the State.

3. Notice of Deficiency

In instances when the City of Gillette, based on observations or investigations, has reasonable cause to believe that a deficiency of this Article has occurred, the City of Gillette is authorized to notify the Stormwater Discharger and/or Permittee in writing of the following items:

- a. Date and location of the site observation(s) or investigation(s)
- b. An itemized list of any deficiencies or failures
- c. A deadline in which the corrective actions are to be completed
- d. The written Notice of Deficiency shall be hand delivered, emailed, or mailed to the Stormwater Discharger and/or Permittee

4. Notice of Violation and Civil Penalty

When the City of Gillette determines that an activity is not being carried out in accordance with the requirements of this Article, and compliance has not been achieved through a Notice of Deficiency, the City shall issue a written Notice of Violation to the Stormwater Discharger and/or Permittee.

The Notice of Violation shall specify the following:

- a. Date and location of the site observation(s) or investigation(s)
- b. An itemized list of any deficiencies, violations or failures
- c. A deadline in which the corrective actions are to be completed
- d. The written Notice of Violation shall be delivered to the Stormwater Discharger and/or Permittee via certified mail

The Stormwater Discharger and/or Permittee shall notify the City of Gillette in writing of the anticipated date of completion of the corrective action(s). When compliance measures specified in the Notice of Violation are satisfactorily completed based upon

inspection by the City of Gillette on or after the anticipated completion date, the City of Gillette shall provide a written Notice of Acceptance and confirmation of compliance.

Failure to comply with the written notice described above or with any section of this article shall be deemed a misdemeanor offense. For any violation of this article there shall be a maximum fine of seven hundred fifty dollars (\$750) per day per violation, and any other penalty as prescribed under section 16-1 of the Gillette City Code. Each day of violation constitutes a new offense.

5. Stop Work Order

In the event compliance cannot be achieved within the terms of a Notice of Deficiency or Notice of Violation, the City of Gillette may proceed with a Stop Work Order. In the event the City of Gillette perceives that there is an immediate adverse impact or blatant disregard for the requirements, it may issue a Stop Work Order without first administering a Notice of Deficiency, Notice of Violation, Permit Suspension or Permit Revocation. The Stop Work Order shall be delivered to the Stormwater Discharger and/or Permittee and/or posted on the job site.

Persons receiving a Stop Work Order will be required to halt all construction activities. This Stop Work Order will be in effect until the City of Gillette confirms that the land disturbing activity is in compliance and the violation has been satisfactorily addressed. Failure to comply with a Stop Work Order can result in civil, criminal, or monetary penalties in accordance with the enforcement measures authorized in this Article.

6. Permit/License Suspension and/or Revocation

In the event compliance cannot be achieved within the terms of a Notice of Deficiency and/or Notice of Violation, the City of Gillette may proceed with permit(s) suspension or revocation. The City of Gillette may also follow all procedures outlined by the Board of Examiners for the suspension of Contractor license for failing to build in compliance with this Article. The City of Gillette may also refuse issuance or suspend any additional permits when all other methods of enforcement have proven unsuccessful.

When suspension or revocation has occurred:

- a. Land-disturbing activities are not allowed on a project site when a permit has been suspended or revoked other than those required to address deficiencies/violations.
- b. The written Permit Suspension or Revocation shall be hand delivered and/or sent by certified mail to the Permittee.
- c. A Permit Suspension may require that the Permittee submit a revised portion of the Stormwater Pollution Prevention Plan as indicated by the City of Gillette for

review and acceptance by the City of Gillette of the specific issue of contention. When a Permit Suspension is removed, the City of Gillette shall provide written notice to the Permittee.

- d. A permit Revocation requires that the Permittee resubmit a Stormwater Pollution Prevention Plan for a full review and acceptance by the City of Gillette.
- e. When a permit is revoked, the Permittee must re-apply for permit coverage through the normal permitting process and shall be required to pay established permit fees.

7. Legal Proceedings

If the enforcement mechanisms described in this Article prove to be unsuccessful in reaching compliance, or there is a blatant disregard for the requirements, or there is an immediate adverse impact to adjacent private or public property, the City of Gillette may proceed with all procedures afforded it under the laws of the City of Gillette and the State of Wyoming including injunctive relief.

(Ord. 3891, 4-19-2016)

§ 7-32. Right to Appeal

Any Stormwater Discharger and/or Permittee (hereinafter the Discharger) aggrieved by the actions outlined in this article by the Chief Building Official or City Engineer of the City of Gillette in their administration of these regulations may file an interim appeal. For grievances of the enforcement actions rendered by the City Engineer or Chief Building Official, the Discharger will file their appeal with the Development Services Director. The appeal shall be in writing, shall be submitted within seven (7) days of the action or decision appealed from, and shall state the specific relief which the Discharger seeks. Within seven (7) days of receipt of the request, the Development Services Director will issue formal findings determining the proper disposition of the matter.

In the event the Discharger is dissatisfied with the formal findings issued according to the preceding paragraph, they may request a hearing before the City of Gillette Board of Examiners by filing a Notice of Appeal with the Building Official within ten (10) days of mailing date of the written findings. The Notice of Appeal shall be in writing, and shall state the specific relief which the Discharger seeks. Within thirty (30) days of the receipt of the Notice of Appeal, the City of Gillette Board of Examiners shall hold a hearing to determine the proper disposition of the matter. At the hearing, the Board of Examiners shall consider not only the testimony of the Discharger, but also the testimony of the Chief Building Official, City Engineer, or Development Services Director as the case may be, (hereinafter the City Official) who issued the order or took that action that is the subject of the appeal, and shall review the materials originally filed in support of the interim appeal and the formal findings. The City of Gillette Board of Examiners shall either reaffirm or modify the decision in the record of its hearing. Upon completion of the hearing, the Board of

Examiners shall notify the Discharger and the City Official of its decision by sending written findings of fact and conclusions of law (the Final Order) by certified mail. The Discharger may then proceed based upon this decision of the City of Gillette Board of Examiners.

The Discharger or the City Official may appeal by filing a Notice of Appeal within thirty (30) days of postmarked mailing date of the Board's Final Order and have the record of their case reviewed by the Gillette City Council. The hearing before the City Council shall be on the record as a whole as it was developed before the Board of Examiners. The Discharger and the City Official shall be given the opportunity to make oral argument before the City Council. The City Council may affirm or reverse the decision appealed from and may direct that the Board of Examiners conduct further hearings.

The failure of the Discharger to appeal as provided in this section shall make the action of the City Official final and not subject to review in any other tribunal. The failure of the Discharger to attend the hearing before the Board of Examiners, as provided in this section, shall make the decision of the City Official final and not subject to review in any other tribunal.

(Ord. 3891, 4-19-2016)

First Reading: July 1, 2025.

Second Reading: July 15, 2025.

PASSED AND APPROVED on Third and Final Reading this 5th day of August 2025.

Shay Lundvall, Mayor

(S E A L)

ATTEST:

Alicia Allen, City Clerk

Published: Gillette News Record

Date: _____

Signed: _____



**CITY OF GILLETTE
CITY COUNCIL**

DATE: **July 1, 2025**

TITLE:

APPOINTMENTS

Appointments to Citizen Advisory Boards

~ Campbell County Joint Powers Fire Board - Two (2) Terms Expiring on June 30, 2028

~ Campbell County Public Land Board - One (1) Term Expiring on June 30, 2028

~ Board of Adjustment - One (1) Term Expiring on June 30, 2028

~ Parks & Beautification Board - Three (3) Terms Expiring on June 30, 2028

~ Planning Commission - Two (2) Terms Expiring on June 30, 2028

~ Investment Advisory Committee - One (1) Term Expiring on June 30, 2028

~ Personnel Review Board - One (1) Term Expiring on June 30, 2028 and One (1) Partial Term Expiring June 30, 2026

STAFF REFERENCE:

Michael H. Cole, City Administrator



**CITY OF GILLETTE
CITY COUNCIL**

DATE: **July 1, 2025**

TITLE:

A Public Hearing for Adoption of the City of Gillette 2025 Integrated Resource Plan for the United States Department of Energy, Western Area Power Administration, Rocky Mountain Region.

ATTACHMENTS:

[Public Hearing Notice](#)

PUBLIC COMMENT PERIOD AND PUBLIC HEARING NOTICE

The City of Gillette will be accepting Public Comment for the 2025 Integrated Resource Plan that will be filed with the United States Department of Energy, Western Area Power Administration, Rocky Mountain Region for up to 5 Megawatts of Firm Electric Servicing accordance with the Energy Planning and Management Program (EPAMP) Final Rule published in the Federal Register (60 FR 54151) October 20, 1995, as amended or superseded. The City's 2025 Integrated Resource Plan will be posted on the City of Gillette Website (www.gillettewy.gov) and will be available for the Public to review and download on June 26, 2025. A Public Hearing to consider the City's 2025 Integrated Resource Plan will be conducted during the regular City Council Meeting starting at 6 pm MDT on July 1, 2025, in the Council Chambers, Gillette City Hall, 201 E. 5th Street, Gillette, WY. The City Council will consider a Resolution adopting the City's 2025 Integrated Resource Plan immediately following the Public Hearing.

CITY OF GILLETTE

Mike Cole, PE, City Administrator

Published: June 28, 2025 and July 1, 2025



**CITY OF GILLETTE
CITY COUNCIL**

DATE: July 1, 2025

TITLE:

Council Consideration of a Resolution to Approve the City of Gillette 2025 Integrated Resource Plan and Submit to the United States Department of Energy Western Area Power Administration, Rocky Mountain Region.

SUGGESTED ACTION:

I move for the approval of a Resolution to Approve the City of Gillette 2025 Integrated Resource Plan and Submit to the United States Department of Energy, Western Area Power Administration, Rocky Mountain Region.

CASE BACKGROUND:

The City of Gillette contracts with the United States Department of Energy, Western Area Power Administration, Rocky Mountain Region (WAPA) for hydroelectric generation up to 5.0MW. As part of our Wholesale Power contract with WAPA, the City is required to submit an updated Integrated Resource Plan (IRP) every five (5) years.

As part of the IRP process, public participation is encouraged. On June 16, 2025, the City provided a copy of the draft IRP for the public to review and comment.

STAFF REFERENCE:

Joff Pilon, P.E., Utilities Director

ATTACHMENTS:

[2025 Integrated Resource Plan
Resolution](#)

INTEGRATED RESOURCE PLAN (IRP)

Western Area Power Administration's (WAPA) customers must comply with the requirements of the Energy Planning and Management Program (EPAMP (10 CFR Part 905)) to meet the objectives of Section 114 of the Energy Policy Act of 1992 (EPAAct). A WAPA customer is any entity that purchases firm capacity with or without energy, from WAPA under a long-term firm power contract. Integrated resource planning allows customers to meet the objectives of Section 114 of EPAAct.

Integrated resource planning is a planning process for new energy resources that evaluates the full range of alternatives, including new generating capacity, power purchases, energy conservation and efficiency, renewable energy resources, district heating and cooling applications, and cogeneration, to provide reliable service to electric consumers. An IRP supports utility-developed goals and schedules. An IRP must treat demand and supply resources on a consistent and integrated basis. The plan must take into account necessary features for system operation, such as diversity, reliability, dispatchability, and other risk factors. The plan must take into account the ability to verify energy savings achieved through energy efficiency and the projected durability of such savings measured over time. (See 10 CFR § 905.11 (a)).

Who May Use This Form:

Utilities that primarily provide retail electric service that have limited staff, limited resource options, and obtain a significant portion of its energy needs through purchase power contracts are eligible to use this form. Utilities using this form may generate a limited amount of energy if the generating resources are primarily used as back up resources, to support maintenance and outages, or during periods of peak demand.

Completing This Form:

To meet the Integrated Resource Planning reporting requirement, complete this form in electronic format in its entirety. Unaddressed items will be deemed incomplete and the IRP may not be eligible for approval. All of the data fields in this form automatically expand. Additional information may be attached to and submitted with this report. WAPA reserves the right to require supporting back-up materials or data used to develop this report. If there is any conflict between this form and the requirements defined in EPAMP, the requirements in EPAMP shall prevail.

EPAMP Overview

The Energy Planning and Management Program (EPAMP) is defined in the Code of Federal Regulations in Title 10, Part 905 (10 CFR 905). The purposes of EPAMP are to meet the objectives of the Energy Policy Act of 1992 (EPAAct) while supporting integrated resource planning; demand-side management, including energy efficiency, conservation, and load management; and the use of renewable energy.

EPAMP was initially published in the Federal Register at 60 FR 54714 on October 20, 1995, and revised in 65 FR 16795 on March 30, 2000, and 73 FR 35062 on June 20, 2008. 10 CFR § 905.11 defines what must be included in an IRP.

WAPA's Energy Services Web site

(<https://www.wapa.gov/EnergyServices/Pages/energy-services.aspx>) provides extensive information on integrated resource planning and reporting requirements. If you have questions or require assistance in preparing your IPR, contact your WAPA regional Energy Services representative.

IRP Content

Cover Page.....	Customer Name & Contact Information
Section 1.....	Utility/Customer Overview
Section 2.....	Future Energy Services Projections (Load Forecast)
Section 3.....	Existing Supply-Side Resources
Section 4.....	Existing Demand-Side Resources
Section 5.....	Future Resource Requirements and Resource Options
Section 6.....	Environmental Effects
Section 7.....	Public Participation
Section 8.....	Action Plan and Measurement Strategies
Section 9.....	Signatures and Approval

INTEGRATED RESOURCE PLAN (IRP) 5-Year Plan

Customer Name:

IRP History: Check one as applicable.	
☐	This is the submitter's first IRP submittal.
☒	This submittal is an update/revision to a previously submitted IRP.

Reporting Dates:	
IRP Due Date:	07/01/2025
Annual Progress Report Due Date:	07/01

Customer Contact Information: Provide contact information for your organization. The contact person should be able to answer questions concerning the IRP.	
Customer Name:	City of Gillette
Address:	611 N Exchange Ave
City, State, Zip:	Gillette, Wyoming, 82716
Contact Person:	David Freeman
Title:	Electrical Engineer
Phone Number:	307-686-5276
E-Mail Address:	Davidf@gillettewy.gov
Website:	Gillettewy.gov

Type of Customer: Check one as applicable.	
☒	Municipal Utility
☐	Electric Cooperative
☐	Federal Entity
☐	State Entity
☐	Tribal
☐	Irrigation District
☐	Water District
☐	Other (Specify):

SECTION 1**UTILITY/CUSTOMER OVERVIEW****Customer Profile:**

Enter the following data for the most recently completed annual reporting period. Data may be available on form EIA-861, which you submit to the U.S. Energy Information Administration (EIA).

Reporting Period	
Reporting Period Start Date (mm/dd/yyyy)	01/01/2024
Reporting Period End Date (mm/dd/yyyy)	12/31/2024
Energy Sales & Usage	
Energy sales to Ultimate End Customers (MWh)	338,383
Energy sales for Resale (MWh)	0
Energy Furnished Without Charge (MWh)	1,916
Energy Consumed by Respondent Without Charge (MWh)	0
Total Energy Losses (MWh entered as positive number)	13,490
Total Energy Usage (sum of previous 5 lines in MWh)	353,789
Peak Demand (Reporting Period)	
Highest Hourly Summer (Jun. – Sept.) Peak Demand (MW)	79.1
Highest Hourly Winter (Dec. – Mar.) Peak Demand (MW)	70.2
Date of Highest Hourly Peak Demand (mm/dd/yyyy)	07/24/2024
Hour of Highest Hourly Peak Demand (hh AM/PM)	08 AM
Peak Demand (Historical)	
All-Time Highest Hourly System Peak Demand (MW)	79.64
Date of All-Time Hourly System Peak Demand (mm/dd/yyyy)	07/18/2022
Hour of All-Time Hourly Peak System Demand (hh AM/PM)	05 PM
Number of Customers/Meters (Year End of Reporting Period)	
Number of Residential Customers	14085
Number of Commercial Customers	2229
Number of Industrial Customers	537
Other (Specify):	
Other (Specify):	
Other (Specify):	
Other (Specify):	
Other (Specify):	

Customer Service Overview:

Describe your customer service territory and the services provided. Include geographic area, customer mix, key customer and significant loads, peak demand drivers, competitive situation, and other significant or unique aspects of the customer and/or service territory. Provide a brief summary of the key trends & challenges impacting future resource needs including population changes, customer growth/losses, and industrial developments.

The City of Gillette ("the City") is a municipal utility providing electric services to the retail customers located in the City of Gillette, Wyoming. With an estimated population of 33,846, Gillette is one of the more populated areas of the state. Within the area of approximately 23 square miles, the City serves a mix of residential, commercial, and industrial electric customers in addition to City owned facilities that are located outside of City limits.

The primary industries in the surrounding areas are primarily coal and oil production, with the City's interaction with these industries to be providing service to the supporting commercial and residential sectors. This leads to a significant portion of the City's load base to be driven by residential heating and cooling loads where the peaks are seen in hottest days of summer and the coldest days in winter respectively.

With the uncertainty in these primary sectors looking forward in the future, the City is expecting neither any substantial growth or losses in either customer load or in industrial development.

Electricity Utility Staff & Resources:

Summarize the number of full-time equivalent employees by primary functions such as power production, distribution, and administration. Describe any resource planning limitations, including economic, managerial, and/or resource capabilities.

The City of Gillette has the following breakdown of employees:

- 1) Line crews. 12 Linemen and 1 Meter tech split among 3 crews, their primary duties are maintaining and construction of upgrades to the distribution and transmission system.
- 2) Electric designers. 2 Electric designers with the primary duties of updating and administrating City distribution mapping, easements used by City of Gillette Electrical, tracking environmental regulations pertaining to distribution equipment, and involved in planning of new developments among other duties.
- 3) Project Manager. 1 Project manager who designs, oversees, and records City and Developer driven projects.
- 4) Engineering Staff. 2 Engineers who act in support to other electrical staff, administer the City fiber optic network, and coordinate with Black Hills Energy on system energy supply among other duties.
- 5) Administration. 1 Electric Superintendent who is administers both long and short-term planning on the distribution and transmission system among other duties. 1 Utilities Director who oversees system energy supply among other duties.

As mentioned, the City of Gillette partners with Black Hills Energy through bilateral agreements to supply the City with its energy supply requirements, forecast information, and generation resource administration.

As can be seen in the breakdown, the major limitation the City has in planning limitations is in staff time. Each category of staff has a variety of duties which, while allowing for unique and valuable insights into the planning process, does not allow for extreme specialization. As such, any goals set within resource planning must be weighed against multiple sets of priorities.

Historical Energy Use:

Enter the peak system demand and total annual energy use for the preceding ten (10) reporting years. For total energy, include retail sales, energy consumed or provided without charge, and system losses.

Reporting Year	Peak Demand (MW)	Total Energy (MWh)
2014	70.95	335,277
2015	72.14	339,623
2016	77.67	338,796
2017	77.88	338,641

2018	74.00	340,674
2019	69.00	342,525
2020	71.67	332,611
2021	71.62	339,855
2022	79.64	352,153
2023	78.75	349,091

SECTION 2 FUTURE ENERGY SERVICES PROJECTIONS

Load Forecast:

Provide a load forecast summary for the next ten (10) years; **and** provide a narrative statement describing how the load forecast was developed. Discuss any expected future growth. If applicable, you may attach a load forecast study and briefly summarize the results in this section. (See 10 CFR § 905.11 (b) (5)).

Load Forecast:

Reporting Year	Peak Demand (MW)	Total Energy (MWh)
2025	75.9	369,243
2026	77.0	374,514
2027	78.1	379,779
2028	79.2	379,584
2029	80.3	384,215
2030	81.4	389,321
2031	82.5	394,337
2032	83.6	399,274
2033	84.8	404,254
2034	85.9	409,382

Narrative Statement:

Black Hills Energy prepares an energy and peak demand forecast on an annual basis on behalf of the City. The purpose of this forecast is the basis for conducting resource planning studies, transmission reservation planning, and other related planning activities. The forecasting methodology is based on a time series methodology over 25-years of monthly metered consumption data. The City's most recent forecast, conducted in January 2025, projects average annual peak demand and energy growth of 1.19 percent for the next 10 years.

SECTION 3

EXISTING SUPPLY-SIDE RESOURCES

Existing Supply-Side Resource Summary:

Provide a general summary of your existing supply-side resources including conventional resources, renewable generation, and purchase power contracts (including Western Area Power Administration contracts). Describe the general operation of these resources and any issues, challenges, or expected changes to these resources in the next five (5) years. (See 10 CFR § 905.11 (b) (1)).

The City's supply-side resources consist of five primary resources.

1. WyGen III Facility

In 2010 the City acquired a 23 percent ownership interest in the 100 MW Wygen III plant. Wygen III is an efficient mine-mouth coal power plant located at the Wyodak Energy Complex, near Gillette, Wyoming. Wygen III began commercial operation on April 1, 2010 and employs state-of-the-art emissions control technology, including mercury emissions reduction. It also features air-cooled steam condensing. The ownership interest provides the City with approximately 23 MW of capacity for the life of the plant.

2. Combustion Turbine No. 2

In 2014 the City acquired a 40 MW simple-cycle gas-fired combustion turbine for meeting its peaking requirements. The unit, referred to as CT2, entered commercial operation in 2009 and is also located at the Wyodak Energy Complex. The city purchased the plant from Black Hills Electric Generation, LLC ("BHEG"). During the acquisition of CT2, the City entered into an agreement with BHEG for the purchase of economy energy. While not attributed to any one resource, the agreement allows the City to take advantage of non-firm energy that is priced lower than the cost of producing energy from CT2.

3. Purchase Power Agreement (PPA)

In 2019 the City entered a PPA with Black Hills Wyoming to purchase 5 MW from Wygen I. This coal fired plant is located at the Wyodak Energy Complex east of Gillette. The City started receiving energy from this agreement in January 2023.

4. Western Area Power Administration Loveland Area Projects

The City purchases firm capacity and energy under long-term contract from Western. The Agreement provides for the continued delivery of 3-4 MW purchase of power from Western Loveland Area Projects.

5. Peaking Energy Contract

This agreement provides the remainder of the capacity and energy required for the city of Gillette.

6. City of Gillette Net Metering Program

While there is a small amount of net metering generation within the City (as listed in the existing power purchase resources), the overall amount of capacity and slow rate adoption means net metering is typically not considered in any resource planning.

Existing Generation Resources:

List your current supply-side resources, including conventional resources and renewable generation. If you do not own any generating resources, insert N/A in the first row. Insert additional rows as needed.

Resource Description (Identify resources as base load, intermediate, or peaking)	Fuel Source	Rated Capacity (MW)	In-Service Date (Year)	Estimated Expiration/Retirement Date (Year)
WYGEN III 23% Share	Coal	23	2010	-
Combustion Turbine 2	Natural Gas	40	2009	-

Existing Purchase Power Resources:

List your current purchase power resources. Define whether the contract provides firm service, non-firm service, all requirements or another type of service. Include Western Area Power Administration resources. If applicable, include a summary of resources that are under a net metering program. Insert additional rows as needed.

Resource Description	Fuel Source (If applicable)	Contracted Demand (MW)	Type of Service (Firm, Non-firm, Requirements, Other)	Expiration Date (Year)
WYGEN I PPA	Coal	5	Firm	2042
Western Area Power Administration Loveland Area Projects	Hydro	2-4	Firm	2054
Net Metering Distributed Generation	Solar	0.316		N/A
Peaking	System Mix		Requirements	-

SECTION 4**EXISTING DEMAND-SIDE RESOURCES**

Demand-side programs alter a customer's use pattern and include energy conservation, energy efficiency, load control/management, education, and distribution system upgrades that result in an improved combination of energy services to the customer and the ultimate consumer.

Existing Demand-Side Resources:

List your current demand-side programs, including energy conservation, energy efficiency, load control/management, education, or maintenance plans, or system upgrades. Programs may impact the utility distribution system, municipally owned facilities, and/or end-user energy consumption. Refer to Section 9 of this form for a list of example programs. Insert additional rows as needed.

(See 10 CFR § 905.11 (b) (1)).

Program Description	Estimated Program Savings (MW and/or MWh if known) (Include annual impact and impact over the life of the program if known.)
N/A	N/A

SECTION 5

FUTURE RESOURCE REQUIREMENTS AND RESOURCE OPTIONS

Balance of Loads and Resources (Future Resource Requirements):

Provide a narrative statement that summarizes the new resources required to provide retail consumers with adequate and reliable electric service during the 5-year resource planning period. Identify any federal or state regulations that may impact your future resource requirements. If you are not experiencing or anticipating load growth and a need for new resources, describe your current procedure to periodically evaluate the possible future need for new resources.

With the City being a small utility not experiencing or expecting major growth, the objective is to evaluate load growth and change while minimizing devoted staff time. To accomplish this, at the end of each season City staff record the seasonal peak, total energy requirement, and daily extrema of load.

These values are then compared to historical values on the seasonal basis to determine what the growth from previous years have been, as well as comparing the seasonal peak vs the daily extrema to determine whether seasonal extreme values are due to interconnected load factors or driven by major events.

This measurement strategy accomplishes the City's goal of staying aware of the potential need for resources balanced with staff time in several ways:

1) Frequency of evaluation

Since the evaluation is happening twice a year, any serious deviation from trends seen in historical and forecast values can be caught early and accounted for in energy supply planning.

2) Normalization to seasonal effects

As can be seen in graph 5.1 below, the City of Gillette is a summer peaking utility with the winter capacity requirements being lower than the summer and system peaks. Conducting evaluations on a bi-annual basis allows for that difference to be recorded and compared to data that is of similar nature. It also allows for possible solutions to future energy supply needs to be more custom-tailored to the season of applicability.

3) Snapshot of daily energy requirements.

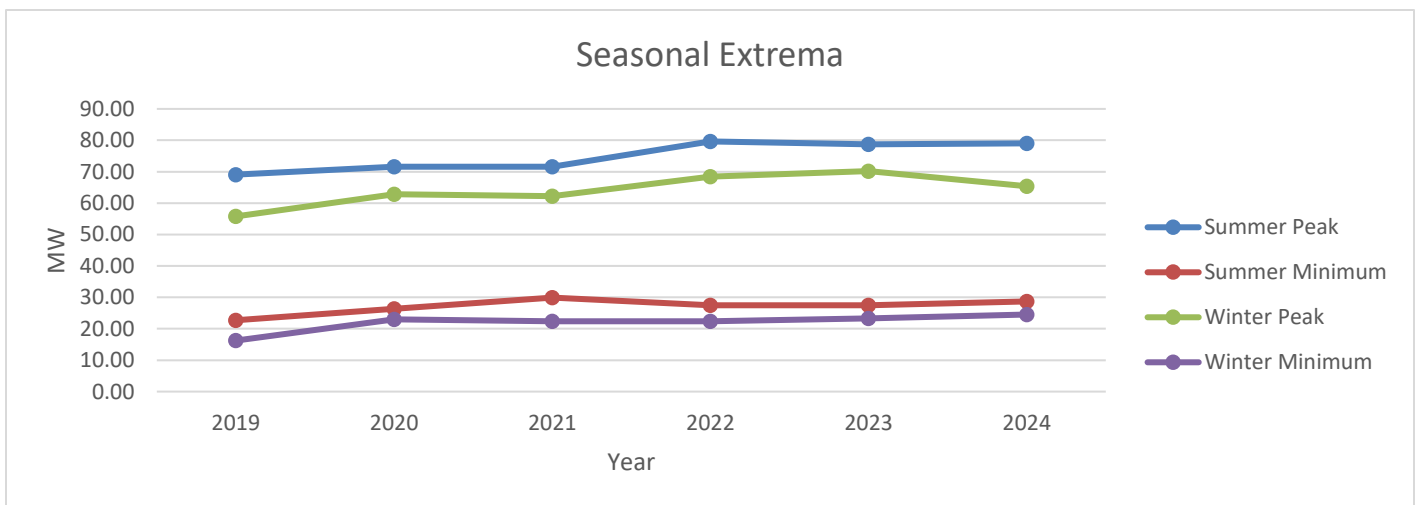
Aggregating data on a daily time stamp as well as a seasonal one allows for the recording of trending data that would be missed if data was just aggregated on an annual or seasonal basis. This becomes especially important when one considers that many demand management strategies would be effective on shifting or conserving load on the daily time horizon instead of the annual or seasonal one. An example of the value of aggregation of daily data can be seen in graph 5.2 below in comparison to graph 5.1. While the summer seasonal peak tends to be much higher than the winter one, the daily peaks are much closer. Additionally, observing that there is a larger spread between the summer extrema than winter shows that demand management strategies may be more effective during the summer months than the winter. This is just

an example of the value in the City's plan on evaluating daily data as well as seasonal data for the purpose of energy supply planning.

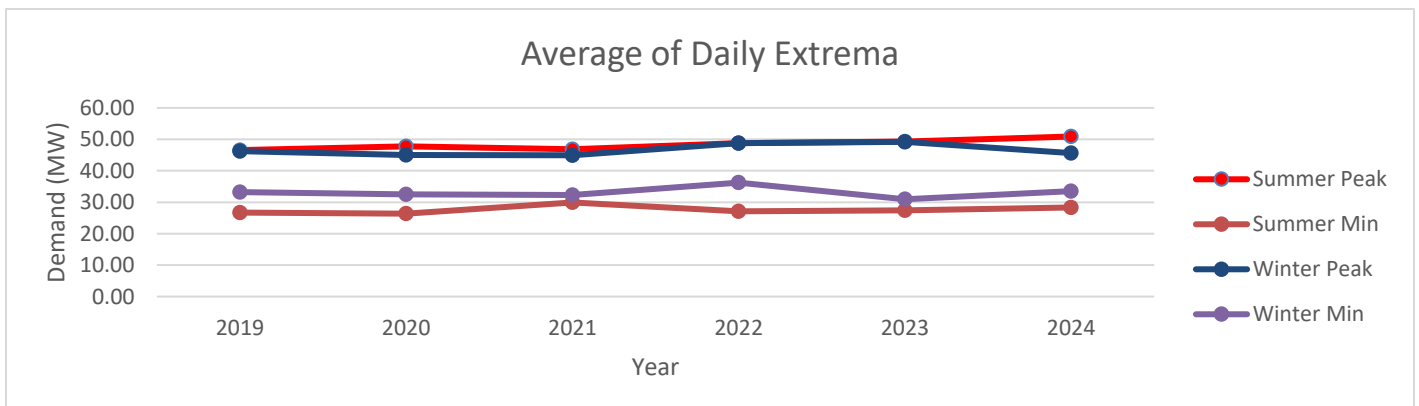
4) Conservation of staff time.

With the City of Gillette being a small utility with planning staff also taking on other duties, smaller more frequent studies allow for prioritization within numerous other tasks.

This measurement strategy is proving to be robust and currently is reinforcing the previously identified result that no current supply planning programs on the supply or demand side is needed currently.



Graph 5.1: The historical seasonal extrema values for the City of Gillette



Graph 5.2: The historical daily extrema values for the City of Gillette, broken down by season

Identification of Resource Options

Identification and comparison of resource options is an assessment and comparison of existing and future supply-side and demand-side resources available to a customer based upon size, type, resource needs, geographic area, and competitive situation. Resource options evaluated must be identified. The options evaluated should be related to the resource situation unique to each WAPA customer as determined by profile data such as service area, geographical characteristics, customer mix, historical loads, projected growth, existing system data, rates, financial information, and load forecast. (See 10 CFR § 905.11 (b) (1)).

Considerations that may be used to develop potential resource options include cost, market potential, consumer preferences, environmental impacts, demand or energy impacts, implementation issues, revenue impacts, and commercial availability. (See 10 CFR § 905.11 (b) (1) (iii)).

Future Supply-side Options:

List the future supply-side resource options that were considered and evaluated, including, but not limited to conventional generation, renewable generation, and power purchase contracts. Include a brief discussion on the applicability of each option for further consideration or implementation based on your system requirements and capabilities. If new resources are not required during the 5-year resource planning period, please indicate that below. Insert additional rows as needed. (See 10 CFR § 905.11 (b) (1)).

Supply-Side Option	Applicability for Implementation or Further Consideration
N/A	N/A

Future Demand-side Options:

List the future demand-side resource options that were considered and evaluated. Demand-side programs alter a customer's use pattern and include energy conservation, energy efficiency, load control/management, education, and distribution system upgrades that result in an improved combination of energy services to the customer and the ultimate consumer. Include a brief discussion on the applicability of each option for further consideration or implementation based on your system requirements and capabilities. Insert additional rows as needed. (See 10 CFR § 905.11 (b) (2)).

Demand-Side Option	Applicability for Implementation or Further Consideration
Peak Shaving	While current data is showing that no steps are needed, the wide gap between daily system peaks and minimums shows that there are potential for peak shaving programs to be effective if future loads grow larger than forecast amounts. Continued evaluation of energy supply requirements will show if this demand side option becomes necessary.

Resource Options Chosen:

Describe the resource options that were chosen for implementation or further consideration and clearly demonstrate that decisions were based on a reasonable analysis of the options. Resource decisions may strike a balance among applicable evaluation factors such as cost, market potential, customer preferences, environmental impacts, demand or energy impacts, implementation issues or constraints, revenue impacts, and commercial availability. (See 10 CFR § 905.11 (b) (1) (iv)).

At this time, neither historical nor forecast data suggest that new supply-side resource options are necessary within the next five years to ten years. As such, the City is currently not evaluating any new resource options.

SECTION 6

ENVIRONMENTAL EFFECTS

Environmental Effects:

To the extent practical, WAPA customers must minimize environmental effects of new resource acquisitions and document these efforts. IRPs must include a qualitative analysis of environmental impacts in summary format. Describe the efforts taken to minimize adverse environmental effects of new resource acquisitions. Describe how your planning process accounts for environmental effects. Include a discussion of policies you conform with or adhere to, and resource decisions that have minimized or will minimize environmental impacts by you and/or your wholesale electricity supplier(s). WAPA customers are neither precluded from nor required to include a qualitative analysis of environmental externalities as part of the IRP process. If you choose to include a quantitative analysis, in addition to the summary below, please attach separately. (See 10 CFR § 905.11 (b) (3)).

The City complies with all applicable provisions of the state and federal environmental regulations at its existing power plants and substation facilities. The City has considered impacts on the environment when developing this IRP. Any new power supply resources developed by the City as part of this IRP will comply with the Clean Air Act and Clean Water Act and will include emissions control technologies as may be required to help reduce the impact of the emissions on the environment.

The City has also implemented conservation programs and measures at City owned facilities and water supply locations. These conservation programs are designed to reduce energy usage and associated environmental impacts.

SECTION 7

PUBLIC PARTICIPATION

Public Participation:

Customers must provide ample opportunity for full public participation in preparing and developing an IRP. Describe the public involvement activities, including how information was gathered from the public, how public concerns were identified, how information was shared with the public, and how your organization responded to the public's comments. (See 10 CFR § 905.11 (b) (4)).

As described below, the City will encourage and welcome public participation, developed a process for collecting the comments of its stakeholders, and has incorporate public comments into the plan as appropriate. Provided below is a description of the public participation process as implemented by the City.

- 1.1. On June 23, 2025, the City will post an announcement on its public website providing notice that the draft IRP would be presented to the public for stakeholder comment. The notice will include the date, time, and location of the public presentation, and will include instructions for providing written comments prior to the public participation process. The website will also include access to the draft IRP document.
- 1.2. During the City Council meeting on July 1, 2025, the public hearing will be conducted and a Resolution adopting the IRP is planned to be approved by the Governing Body. The Resolution and meeting minutes will be included as an Exhibit in the final IRP
- 1.3. The City video will record the City Council meeting to accurately capture and collect any comments provided by the public. The video recording will be able to be accessed via the City's Gillette Public Access website.

SECTION 8

ACTION PLAN & MEASUREMENT STRATEGIES

Action Plan Summary:

Describe the high-level goals and objectives that are expected to be met by the implementation of this resource plan within the 5-year resource planning period. Include longer term objectives and associated time period(s) if applicable. (See 10 CFR § 905.11 (b) (2)) and (See 10 CFR § 905.11 (b) (6)).

In light of the small amount of growth that the City has historically seen, the primary goals of this resource plan are to monitor the City's energy requirements and evaluate possible future needs of energy supply acquisition or demand management.

Comprehensive monitoring of the City's requirements is accomplished by setting and continuing a program of monitoring seasonally the energy and demand City's requirements. The frequency of this measurement allows for trendlines to show in seasonally corrected data, and the early identification of any change in the expected growth of City Requirements.

Specific Actions:

List specific actions you will take to implement your plan over the 5-year planning horizon.

New Supply-Side Resource Acquisitions:

List new resource options your organization is planning to implement, investigate, or pursue in the next five years. Include conventional generation, renewable resources, net metering programs, and purchase power contracts. Include key milestones such as the issuing an RFP, executing a contract, or completing a study. (See 10 CFR § 905.11 (b) (2)).

Proposed New Resource	Begin Date	Est. New Capacity (MW)	Milestones to evaluate progress and/or accomplishments
N/A	N/A	N/A	N/A

New Demand-Side Programs & Energy Consumption Improvements:

List energy efficiency, energy conservation, and load management programs your organization is planning to implement or evaluate in the next five years. Include key milestones to evaluate the progress of each program. Insert additional rows as needed. (See 10 CFR § 905.11 (b) (2)).

Example programs could include:

- Education programs & communications
- Energy efficient lighting upgrades
- Energy audits
- Weatherization & Insulation
- Window/doors upgrades
- Boiler, furnace or air conditioning retrofits
- Programmable thermostats
- Equipment inspection programs
- Use of infrared heat detection equipment for maintenance
- Tree-trimming/brush clearing programs
- Electric motor replacements
- Upgrading distribution line/substation equipment
- Power factor improvement
- Loan arrangements for energy efficiency upgrades
- Rebate programs for energy efficient equipment
- Key account programs
- Load management programs
- Demand control equipment
- Rate designs
- Smart meters (Time-of-Use Meters)

Proposed Items	Begin Date	Est. kW capacity savings per year	Est. kWh savings per year	Milestones to evaluate progress and/or accomplishments
N/A	N/A	N/A	N/A	N/A

Measurement Strategies:

Describe your plan to evaluate and measure the actions and options identified in the IRP to determine if the IRP's objectives are being met. The plan must identify and include a baseline from which you will measure the IRP implementation's benefits. (See 10 CFR § 905.11 (b) (6)).

As no new actions or options currently need to be implemented, no measurement of the effectiveness of those actions will be conducted.

SECTION 9**SIGNATURES AND APPROVAL****IRP Approval:**

Indicate that all of the IRP requirements have been met by having the responsible official sign below; **and** provide documentation that the IRP has been approved by the appropriate governing body (i.e. provide a copy of the minutes that document an approval resolution). (See 10 CFR § 905.11 (b) (4)).

_____ (Name – Print or type)	_____ (Title)
_____ (Signature)	_____ (Date)

Other Information:

(Provide/attach additional information if necessary)

IRP Posting Requirement:

10 CFR § 905.23 of the EPAMP as amended effective July 21, 2008, facilitates public review of customers' approved IRPs by requiring that a customer's IRP be posted on its publicly available Web site or on WAPA's Web site. Please check the method in which you will comply with this requirement within thirty (30) days of receiving notification the IRP has been approved:

☒	Customer will post the approved IRP on its publicly available website and send the URL to WAPA.
☐	Customer would like WAPA to post the approved IRP on WAPA's website.

RESOLUTION NO. _____

A RESOLUTION TO APPROVE THE CITY OF GILLETTE 2025 INTEGRATED RESOURCE PLAN AND SUBMIT TO THE UNITED STATES DEPARTMENT OF ENERGY, WESTERN AREA POWER ADMINISTRATION, ROCKY MOUNTAIN REGION.

WEREAS, The City of Gillette (City) contracts with the United States Department of Energy Western Area Power Administration , Rocky Mountain Region (WAPA) for hydroelectric generation up to 5.0 megawatts (MW); and

WHEREAS, The City encouraged public comment upon review of the draft IRP for the five-year planning period from 2025 to 2030; and

WHEREAS, on June 26, 2025, the City published a copy of the draft IRP on the City’s website for the public to review and comment; and, the City advertised the Public Comment Period for the 2025 IRP within the Gillette News Record on June 28 and July 1, 2025.

WHEREAS, in addition to the City’s WAPA allocation, the City owns a 23MW share of a 100MW power generation facility at WYGEN III unit, and a 40 MW power generation facility at the CT II unit. Both facilities are located at the Neil Simpson Energy Complex (“Complex”) east of the City; and

WHEREAS, Black Hills Power, Inc. (“BHP”) manages and operates both facilities at the Complex on behalf of the City and schedules delivery of the City’s WAPA allocation; and

WHEREAS, the City executed a Power Purchase Agreement (PPA) with Black Hills Wyoming (BHW) for five (5) megawatts electric generation capacity from WYGEN I that commenced on January 1, 2023, and

WHEREAS, the City continues to add new customers to the City power system and increase the continuous electric base demand; and

WHEREAS, the City and BHP entered into a Third Amended and restated Generation Dispatch and Energy Management Agreement in 2023.

THEREFORE, IT IS RESOLVED BY THE GOVERNING BODY OF THE CITY OF GILLETTE, WYOMING:

1. The City of Gillette 2025 Integrated Resource Plan is hereby approved.
2. City Staff is hereby directed to submit the approved 2025 Integrated Resource Plan to the United States Department of Energy, Western Area Power Administration, Rocky Mountain Region for compliance purposes.

PASSED, APPROVED, AND ADOPTED this 1st day of July 2025

Shay Lundvall, Mayor

(SEAL)
Attest:

Alicia Allen, City Clerk



**CITY OF GILLETTE
CITY COUNCIL**

DATE: **July 1, 2025**

TITLE:

Council Meeting Safety & Public Meeting Rules.

CASE BACKGROUND:

The purpose of these rules is to allow Council Meetings open to all viewpoints germane to City government business. The rules provide a safe environment for the public, Council, and City staff while preserving order, decorum and minimizing any potential disruption.

STAFF REFERENCE:

Michael H. Cole, City Administrator

ATTACHMENTS:

[Meeting Safety & Public Meeting Rules](#)



CITY CLERK'S OFFICE

CITY COUNCIL MEETING SAFETY & PUBLIC MEETING RULES

The purpose of these rules is to allow Council Meetings open to all viewpoints germane to City government business. The rules provide a safe environment for the public, Council, and City staff while preserving order, decorum and minimizing any potential disruption.

Speakers

- Persons seeking to be recognized for public comment must, without exception:
 - State their name
 - State their physical address
 - If speaking on behalf of an organization, identify their position or affiliation
- The public comment period will be limited to ten (10) minutes total.
- Speakers must remain behind the podium/lectern.
- Speakers shall refrain from making comments of a personal nature that reflect upon the character of a Councilperson, the Mayor, City staff, or another speaker. Personal criticism, ridicule, intimidating behavior, and name calling is forbidden.
- Speakers shall refrain from the use of indecent or obscene language, "fighting words" or other language which is disruptive to the orderly discussion at the meeting.

Audience Members

- Audience members will refrain from distracting side conversations or speaking out when another person is talking.
- Audience members will refrain from shouting, booing, or other similar unruly behavior that impedes or disrupts the orderly conduct of the meeting.

Enforcement of Meeting Rules

- The Governing Body will request that a person violating any Meeting Rules cease the violation.
- Failure to comply with the Governing Body's warning may result in removal from the Council Chambers, criminal prosecution pursuant to Gillette City Code Section 14-5, recess of the meeting, or any remedy available under Wyoming law.