

**REGULAR CITY COUNCIL
MEETING**

November 12, 2024

7:00 PM

City Hall



CITY OF MILLS
EST. 1921

Mayor:

Leah Juarez

Council President:

Sara McCarthy

Council Members:

Cherie Butcher

Brad Neumiller

Tim Sutherland

MINUTES

CALL TO ORDER

Mayor called the meeting to order at 7:00 pm

ROLL CALL

Present:

Mayor Juarez

President McCarthy

Council Butcher

Council Neumiller

Council Sutherland

PLEDGE OF ALLEGIANCE

CONSENT AGENDA

Minutes

1. Council Meeting Minutes 10-22-24

City Licenses

2. New and Renewal Business and Contractor Licenses

Financial Approvals

3. Treasurer's Report
4. Investment Accounts
5. Financial Breakdown
6. ACH Transactions
7. Court Income
8. Transmittal Transactions
9. Regular / Police Payroll 10-21-24 to 11-3-24
10. Fire Payroll 10-22-24 to 11-2-24

Motion made by Council Member Butcher to approve, Seconded by Council Member Sutherland.
Voting Yea: Mayor Juarez, President McCarthy, Council Member Butcher, Council Member Neumiller, Council Member Sutherland

OPEN DISCUSSION

Malik Hegge – King Enterprises – Came to council to discuss his plans to build a shop on his property. He brought drawings and other information for the council to review. Mr. Hegge met with Planning and Zoning on 11-7-24. He was told by P&Z that he was allowed a variance to go ahead and construct his shop while the engineering plans were being completed. The Building Inspector Kevin O'Hearn asked that Mr. Hegge meet with council to answer any questions they may have. President McCarthy asked about the paved road that will be built. Mr. Hegge confirmed that the road is currently a gravel road, but he will be paving it. Board Member Neumiller asked about the engineering design on the road going in. Mr. Hegge stated they currently do not have an engineering design yet. He continued to tell council that his biggest hiccup is he would like to put the foundation in the ground and start building the building but he is waiting on the engineering drawing plans. He doesn't want to delay the project and also needs to keep his crew working throughout the winter months. The Mayor asked what his request for variance is. He responded he wants to start construction before receiving the official engineer drawings and plans. The Mayor requested information about the water and sewer. Mr. Hegge detailed where the water and sewer would come from and acknowledged that he would need a water main. Council Member Brad asked the City Planner for a report from P&Z. The City Planner explained that P&Z had made a motion to table the application until a future meeting to give Mr. Hegge time to submit the additional site plan materials with the condition that he can apply for a commercial building permit in the interim period with the understanding that a certificate of occupancy will not be issued without an approved development plan meeting planning considerations. The City Planner continued to detail the conditions that Mr. Hegge needed to meet. They included a drainage plan, designs plans and construction of the road, the DEQ permit to construct the water main. But, because he wants to construct during the winter season, the building official said it would be ok for him to apply for a building permit while he's working and we would withhold the Certificate of Occupancy and utilities if the conditions of the site development plan were not met. The City Attorney asked for confirmation that the matter is tabled at P&Z currently. Megan confirmed. The Mayor stated the P&Z may have made some assurances and that they had overstepped their bounds as far as what they can assure. The City Attorney feels that the building official over ran P&Z in this matter. The Mayor asked if we don't consider the water and sewer is it just a building permit. The City Planner explained that in our regulations we require all multi-family and commercial developments to go through development plan review, that's part of the zoning requirements to get a zoning certificate to get the permits. The City Attorney asked how soon Mr. Hegge would have the drawings, he responded that it would be at least 60 days. The Mayor questioned this process and stated her concerns about allowing the opportunity to bypass traditional procedures. The City Attorney added that unfortunately this isn't even really in front of council, this is public comment and nothing has been forwarded to council. He informed Mr. Hegge that this is a wide ranging variance and what's being sought as a variance to go around the planning process and proceed given the time of year. We are currently talking in general comment and there needs to be an approved item from P&Z to council. The Mayor agreed and said we don't have an actionable item in front of us because P&Z failed to move it forward. Mr. Hegge disagreed that if he were building a dry building, this meeting would not take place. The Mayor informed Mr. Hegge that we recently updated our Title 17. She explained to Mr. Hegge again that we do not have any way to move this item forward. The Mayor extended her condolences and said the quickest way we can help make this work is to work with Megan the city planner to establish a request for variance. Board Member Neumiller sees both sides and doesn't have a huge issue but is concerned that the site plan is not complete. The Mayor said the situation puts us in a tough position because that opens up a whole can of worms for other people to come forward and do the same thing. The City Attorney agreed and added that it sets a precedence. Council Member Sutherland feels we are putting the cart before the horse in this situation. The Mayor requested a motion to move into executive session legal.

The Mayor asked for a motion to go into an Executive Session for a legal issue.

Motion made by Council Member Sutherland to approve, Seconded by Council Member Butcher.

Voting Yea: Mayor Juarez, President McCarthy, Council Member Butcher, Council Member Neumiller, Council Member Sutherland

Council returned from Executive Session at 7:45pm

The Mayor asked for a comment from staff. The City Attorney explained the City of Mills does not have a procedure to take up an oral motion. Our procedures are very well established and we require a written motion. In this matter, we have nothing in front of us to act upon and his recommendation it not to act. The Mayor confirmed, no action is necessary at this time.

Mr. Hegge came forward and Council Member Neumiller explained that until it is brought to us through Planning and Zoning, there is nothing we can do at this time. Mr. Hegge asked if he could submit a building permit for a dry building. The Mayor replied and said yes, but both the dry building permit and a regular building permit would still have to go through the planning review process. She also informed Mr. Hegge that when we go do a final inspection for your dry building if it doesn't match the building permit submitted the same fines would apply. The City Attorney again explained the process that the matter needs to go through P&Z and then through council. The Mayor also informed Mr. Hegge that P&Z incorrectly tabled the matter and did not move it forward. She told Mr. Hegge to submit his building permit application and talk to Mike, he can help through the process.

Scott Clamp came forward and asked the procedure if he were to build a dry building then later on put water and sewer into the building. The council informed him, he would need to do an additional building permit.

ORDINANCES AND RESOLUTIONS

11. Resolution No 2024-39

RESOLUTION REGARDING AUTHORIZED SIGNATURES

Motion made by Council Member Neumiller to approve, Seconded by Council President McCarthy.

Voting Yea: Mayor Juarez, President McCarthy, Council Member Butcher, Council Member Neumiller, Council Member Sutherland

EXECUTIVE SESSION

12. Executive Session – Legal (See Open Discussion)

13. Executive Session – Legal

The Mayor asked for a motion to go into an Executive Session for a legal issue.

Motion made by Council President McCarthy to approve, Seconded by Council Member Neumiller.

Voting Yea: Mayor Juarez, President McCarthy, Council Member Butcher, Council Member Neumiller, Council Member Sutherland

Council returned from Executive Session at 8:23pm

The Mayor asked for a motion to authorize to submit a claim. Motion made by Council Member Neumiller to approve, Seconded by Council President McCarthy.

Voting Yea: Mayor Juarez, President McCarthy, Council Member Butcher, Council Member Neumiller, Council Member Sutherland

14. Executive Session – Personnel

Motion made by Council Member Neumiller to approve, Seconded by Council Member Sutherland.
Voting Yea: Mayor Juarez, President McCarthy, Council Member Butcher, Council Member Neumiller, Council Member Sutherland

Council returned from Executive Session at 8:41pm

No action required.

ADJOURNMENT

The Mayor asked for a motion to adjourn.

Council President McCarthy made a motion to adjourn, Seconded by Council Member Sutherland. Voting Yea: Mayor Juarez, Council President McCarthy, Council Member Butcher, Council Member Neumiller, Council Member Sutherland

Meeting adjourned at 8:43pm

AGENDA SUBJECT TO CHANGE WITHOUT NOTICE

NEXT MEETING - November 26, 2024 at 7:00 pm / December 10, 2024 at 7:00 pm

NEXT WORK SESSION - November 26, 2024 at 6:00 pm / December 9, 2024 at 9:00 am

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

Mayor, Leah Juarez

City Clerk, Sarah Osborn