

**REGULAR CITY COUNCIL
MEETING**

November 26, 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: City

Mayor Juarez

President McCarthy

Council Butcher

Council Neumiller

Council Sutherland

APPOINTMENT

1. Swear In - Nathan Romrell – Treasurer

The City Clerk swore in Nathan Romrell as the new Treasurer.

PUBLIC HEARINGS

Mayor closed the Council Meeting at 7:04 pm

Mayor opened the Public Hearing for Zoning Map at 7:04 pm

2. Public Hearing Zoning Map

Mayor Juarez declared the Public Hearing open for consideration for the proposed Zoning Map. The hearing will be conducted in accordance with state statute, Mills Council Procedures and other applicable laws. The hearing has been set and advertised in accordance with the statutes. The Mayor asked those individuals who wish to address council on this issue to approach the lectern and state your name and for the record. The Mayor requested a report from staff. The City Planner Megan Nelms explained the city adopted their Land Development Regulations (Title 17) back in July. We did an update of the official city Zoning Map with the new district names and district categories. The previous zone districts were generically named and broad. The hearing will be conducted in accordance with state statute, Mills Council Procedures and other applicable laws. The hearing has been set and advertised in accordance with the statutes. The Mayor asked those individuals who wish to address council on this issue to approach the lectern and state your name and for the record. The Mayor requested a report from staff. The City Planner Megan Nelms came forward. The new code has more specific zone districts along with better defined intents and purposes for each district. Staff has spent considerable time reviewing the previous zoning map to ensure that properties were placed into districts with the same permitted uses as previous districts under the old Title 17. The Mayor asked three times if there was anyone in the audience who wishes to speak in favor of this item. The Mayor asked three times if anyone wishes to speak in opposition of this item. There being no others to speak for or against this item, The Mayor declared the public hearing closed at 7:06pm.

Mayor opened the Public Hearing for Hansen Deviation/Variance for 306 SW Wyoming Blvd at 7:06 pm

3. Public Hearing: Hansen Deviation/Variance for 306 SW Wyoming Blvd.

Mayor Juarez declared the Public Hearing open for consideration for the request is for a Deviation/Variance to require 5 foot side yard setback in the C1 General Commercial Zone District for property legally described as portion of Lots 1 and 2, Block 5, Kiskis Subdivision, also known as 306 Southwest Wyoming Boulevard. The hearing has been set and advertised in accordance with the statues. The Mayor asked those individuals who wish to address council on this issue to approach the lectern and state your name and for the record. The Mayor requested a report from staff. The City Planner, Megan Nelms, explained that the request is for a Deviation to the minimum side yard setback for a commercial structure located at 306 SW Wyoming Blvd. The zoning of the subject property is C-1 (General Commercial District), which establishes a minimum side-yard setback of 5 feet. The deviation request is for an additional work bay to be added onto the west side of the existing commercial building, which would encroach on the side yard setback, requiring a deviation of 5 feet. Deviations are not intended to be granted frequently. The applicant must clearly show that the request is due to very unusual characteristics of the property and that it satisfies the deviation standards. Evaluation of an applicable special circumstance is a matter to be determined from the facts and specifics of each application.

A deviation may be approved after considering the following criteria:

1. The proposed development is compatible with existing and proposed or expected land uses in the surrounding area.
2. The deviation results in the creation of project amenities that would not be available through strict adherence to the Regulations (e.g. additional open space, protection of natural resources, improved pedestrian connectivity, etc.).
3. Granting the deviation would not adversely affect the interests of the public or the interests of residents and property owners in the vicinity of the subject property.
4. The deviation is the minimum required or needed for customary enjoyment of the property.

At the November 7, 2024 Planning and Zoning commission did recommend denial of this deviation request. After reviewing the criteria to be considered when evaluating a deviation request, the applicant has not provided clear evidence of special circumstances that would unreasonably prevent him from using his property for a permitted purpose. Staff recommends the denial of the variance request.

The Mayor asked if council had any questions. The Mayor asked if there was anyone in the audience who wishes to speak in favor of this item. Pete Maxwell (applicant) came forward. They are seeking a deviation to build a fourth work bay. The way the land is set up now, they do not have the room to build the fourth work bay to extend their options of service. They reached out to Mr. Devore who owns the south, north, and west properties on the market. They looked into buying the properties to put a second Peach's location and also to add on to Hansen. Mr. Devore responded that he wanted to sell all the properties including the Peterbilt building, or nothing. All the property surrounding them is priced at \$4 million plus. Mr. Maxwell stated that price is too much and they cannot make that purchase. Once the lots north and south of their location hit the market, they called Mr. Devore again and he stated again that he wanted to sell all or nothing. They would not piece it off. After meeting with the Planning and Zoning commission, they reached out to Mr. Devore personally and asked if he would do a minor boundary adjustment or purchase 5 feet of his property. He has reached out a few times, got him on the phone once, but has not heard from him since. The Mayor asked if they acquire the 2 little portions to the south, could they make their building L-shaped and do the base. Mr. Maxwell responded yes, if he is willing to sell that portion to the south. Right now they are kind of landlocked with the situation. Council Member Neumiller asked when the last time he spoke with Mr. Devore. Mr. Maxwell stated it was last Tuesday and he was in the process of doing some kind of sellout with his current company and he was super busy. Mr. Devore said he would call back Friday. Mr. Maxwell never received a call, he left a voicemail with Mr. Devore. The

Mayor asked two times if there was anyone in the audience who wishes to speak in favor of this item. . The Mayor asked three times if anyone wishes to speak in opposition of this item. There being no others to speak for or against this item, The Mayor declared the public hearing closed at 7:14pm.

Mayor opened the Regular Council Meeting at 7:14pm

CONSENT AGENDA

Minutes

4. Council Meeting Minutes 11-12-24

City Licenses

5. New and Renewal Business/Contractor Licenses

Financial Approvals

6. Financial Breakdown
7. ACH Transactions
8. Transmittal Transactions
9. Regular / Police Payroll 11-4-24 to 11-17-24
10. Fire Payroll 11-3-24 to 11-14-24

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

OPEN DISCUSSION

Bridget Heron – 945 South Fifth – Came in to discuss payment arrangements on her water bill. She is currently making \$140/week starting next Wednesday. She was requesting to pay \$40/week until her bill is caught up. The Mayor asked what the monthly bill average for her account. Ms. Heron responded that it was \$72. President McCarthy asked how much she owes now. Ms. Heron respond \$160 something. She added that she is expecting a bonus check next month from Keyhole. The Mayor pointed out that the reason why arrangements need to be made through council is because the only council can forgive or arrange debt payments. The front office is not allowed to make arrangements. The Mayor is okay with making an arrangement, put a note on her account to not shut off for two-three months. President McCarthy would like the arrangements to be a one-time thing. Ms. Heron agreed and understands. The Mayor confirmed we would make a note on her water account. Ms. Heron will bring in \$40 each Thursday until caught up.

COUNCIL APPROVALS

11. Zoning Map

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

12. Hansen Deviation/Variance for 306 SW Wyoming Blvd

The Mayor asked for a motion to table this item. Motion made by Council Member Butcher to table, Seconded by Council President McCarthy,

Council Member Sutherland voted Nah, City Attorney clarified that the motion was only to table the item.

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

EXECUTIVE SESSION

Mayor asked for a motion to go into an Executive Session Personnel at 7:22 pm.

Motion made by Council Member Neumiller, Seconded by Council Member Sutherland.

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

13. Executive Session – Personnel

Council returned from executive session at 7:38 pm

Council Member Butcher makes a motion to convey the rejection of an offer in a legal matter, Seconded by Council President McCarthy. Voting Yea: Mayor Juarez, Council President McCarthy, Council Member Neumiller, and Council Member Butcher

14. Executive Session – Legal

Mayor asked for a motion to go into an Executive Session Personnel at 7:38 pm.

Motion made by Council Member Neumiller, Seconded by Council Member Sutherland.

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

Council returned from executive session at 7:59 pm

No action is required.

ADJOURNMENT

Council Member Neumiller as for a motion to adjourn Council Meeting at 7:28pm, Seconded by Council Member Butcher.

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

AGENDA SUBJECT TO CHANGE WITHOUT NOTICE

NEXT MEETING - December 10, 2024 at 7:00 pm / December 23, 2024 at 6:00 pm

NEXT WORK SESSION - December 9, 2024 at 9:00 am / December 10, 2024 at 6:00 pm

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