

**REGULAR CITY COUNCIL
MEETING**

May 23, 2023

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 7:00pm.

ROLL CALL

PRESENT

Mayor Leah Juarez

Council President Sara McCarthy

Council Member Cherie Butcher

Council Member Brad Neumiller

Council Member Tim Sutherland

PLEDGE OF ALLEGIANCE

CONSENT AGENDA

Minutes

1. Council Meeting Minutes 5-9-2023

Motion made by Council President McCarthy, Seconded by Council Member Sutherland.

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

2. Executive Minutes for a Personnel Issue 5-9-2023

Motion made by Council President McCarthy, Seconded by Council Member Sutherland.

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

3. Executive Minutes for a Real-Estate Issue 5-9-2023

Motion made by Council President McCarthy, Seconded by Council Member Sutherland.

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

4. Executive Minutes for a Personnel Issue 5-9-2023

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

City Licenses

5. New and Renewal Business and Contractor Licenses 5-23-2023

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

Financial Approvals

6. Financial Breakdown Reports 5-23-2023

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

7. Fire Payroll: 5-1-2023 to 5-12-2023

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

8. Regular/Police Payroll: 4-24-2023 to 5-7-2023

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

ORDINANCES AND RESOLUTIONS

9. Ordinance 791: Second Reading: APPROPRIATING MONEY FOR THE ANNUAL BUDGET OF THE CITY OF MILLS, WYOMING, FOR THE CONDUCT OF THE MUNICIPAL GOVERNMENT OF THE CITY OF MILLS, WYOMING FOR THE FISCAL YEAR 2024

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

10. Ordinance 792: THIRD AND FINAL READING: An Ordinance to Require Massage Bodywork Therapists to Maintain Permits From the City of Mills

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

Neumiller, Council Member Sutherland. Motion Passes.

- 11. Ordinance 795, First Reading:** An Ordinance Adopting the 2023 National Electrical Code (NEC) Including Certain Appendices, and Amendments Regulating and Governing the Installation and Wiring of Residential and Commercial Construction, Alteration, and Movement, Enlargement, and Replacement, Repair, Equipment, Location, and Proper Removal or Demolition of Said Building and Structures

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

- 12. Resolution 2023-10:** A Resolution Setting Certain Business License Fees

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

COUNCIL APPROVALS

13. Catering Permit for Bayou June 10th, 2023

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

OPEN DISCUSSION

Betsy Bower: 260 Delmar

Betsy passed out some flyers. She stated that I am here to request a permit for bee keeping. I also want to know why there needs to be a permit for bee keeping in the City of Mills. She was looking through the ordinances and she realizes that she has started bee keeping without a permit, but did register it with the State. The state does also have regulations for bee keeping. I am questioning why I need to get a permit through the City of Mills. I am concerned about a couple of things. One is that she referred to our Title 6 ordinance 6.08.050 that if a person living within the zone required and has an allergic to bees then a permit shall not be issued. First, how do you know if it my bees, and other pollinators that sting and there is other pest that sting. Why would you not require a permit for dogs or dangerous animals? I have not heard of others that are asking for a permit. I have talked to a lot of people. I would like to you update the ordinances here that we don't have to require a permit for this. Mayor stated to clarify we do require permits for dogs and cats, I mean licensing. Mayor asked when you review the state statues do you feel that these aligned with what we have here or do they contradict each other. Betsy did state that the ones that stated that if you are allergic to a bee that is grounds for me to destroy my hive. That did not align. Mayor stated how does the state address issues with neighbors or reach out to them to let them know you are going to have a hive there. Betsy stated that the requirement is to have it away from the fence and have water there so they don't go to your neighbors for water is what the State requires. The City Attorney stated to the Mayor that the City of Casper also requires a permit before you establish a hive. Betsy disagreed and the Mayor stated that it is 6.04.050 and the code in Mills is directly modeled off theirs. Betsy stated that she did not know that and the people she has a contacts in the City of Casper that did not know that as well. She stated that her people in Casper stated that they did not need a permit, but just had to register with the State. The City Attorney stated that they have provisions there. The City Attorney stated that he wants to make it clear that the

municipalities do have the ability to additionally regulate where they see fit. He also stated that the state has one set of conditions and does not preclude the City from having a set of their own. Betsy stated she understands that. The Mayor stated that she would be open to having a discussion separately from what we are currently discussing here. We need to make sure our code of ordinances fall in line with the State Statues and make sure we are not far off from them. Mayor asked the City Attorney, she already has her hive established and that you are going through things backwards and asking for the permit after it has been put in place, what is the ramification? The City Attorney stated that there really are none. The way the ordinance was draft required a permit prior to establishing the bee hive within the municipal boundary. There is no exception for folks that move them in unaware of the provisions of the ordinance. I am certain that they were moved in innocently and you did not intend to ignore the conditions of the law and we don't have anything to address that. As far as I am aware this has not come up in terms of a citation and there is not existing citation. The City Attorney stated that you are in violation, but we are not the citing authority, that would be another division of this municipality. So right now you are kind frankly running the afoul of the law. If a citation has been issued, which means you would have to remove the hive. I don't know if this answers the question. You need to get a permit as soon as possible if you are able to obtain one. The City Clerk stated that Sherry who lives in the neighborhood and she received the flyer and her daughter is allergic to bees as well as the neighbors next to her as well. I don't know if one is here tonight, but she wanted it on record that she made note to this issue. The Mayor stated to Betsy how would we know if that is her bees or not. The City Attorney stated that it would not be presumed if a person was stung that your bees were the guilty bee. That presumption is not there. Even though allergic person can object that is more for precautionary, that is not build in assumption that bees from your place are responsible for what might occur. Has something happened the attorney stated? Betsy shook her head no. Betsy stated that the person said she could not come here tonight is allergic also thanked me for having the bees. The reason is her garden did better than ever last year because of the bees. Betsy stated that she understands that she should have gotten a permit, and now I am requesting one. Also she stated that her friend found out stuff for her on bees, but she kept saying that our website you cannot find out anything on bees. When I could find out something on this it said to call animal control and the number did not exist. The City Attorney stated that our code is not yet on the website we are working on getting it online. But right now it is not presently online. City Clerk stated that they are all available in the city hall office. The ordinances are online, but not the code. Betsy stated that the Community Services Officers gave her a copy of it. Mayor wanted to know what number she was calling. Betsy said it she was searching on Google. She stated that our animal control is with the Police department correct? She is not sure how to go about this, all this is confusing. Also that is my request to make it easier for someone to get a permit and why they need one in the first place. Mayor stated that it is her recommendation we need to proceed with going forward with the obtaining a permit and notifying your neighbors. Betsy stated that she passed out 60 flyers to her neighbors and no one told her that they are not ok with her bees. The Mayor asked the City Attorney what is the process for identifying the neighbors? The City Attorney stated that you have not be cited with anything and realize that they are already there, what you need to do is comply with the terms of the permit and what you need to do is provide notice to the Town of Mills animal control division and to the residents of the property owners within 100 yards of the intended colony. The City Attorney read that this should have been done 90 days of the proposed colony and you will not be able to comply with that, but what you should do is provide notice to the town and the people in that distance. Betsy said to the town what do you mean, the City Attorney stated to the Mills animal control. Also don't forget your neighbors within 100 yards of where the colony will be. The City Attorney stated that you are running afoul of it right now. But the other part of it is that you have not been cited with a violation. You need to provide notice and people do have the right object as you know. Betsy stated that she is across the street from a trailer court so there is several people and homes to go to. I will contact the Mills Police department and move forward. The City Attorney stated that his suggestion would be that if you know of any individuals that will be objecting specifically and are within that 100 yards and you may wish to discuss with them. Betsy stated that people that are allergic to bees have the medication that they need. I went to insta-care and asked about me carrying an epi pen incase someone around me gets stung and she said that is not a good idea for me to give someone a prescribed medicine. But she did say there is plenty of resources available for people. The City Attorney stated that what she needs to do from here is establish a date that you want your colony to be official and comply with the notice provisions and give notice to animal control and proceed forward. That does not mean that this body will grant you the permit because there is means to oppose it. Also right now you know you are actually harboring illegal bees. You need to get moving on this as quickly as possible. Betsy asked if she can go to jail for this? The City Attorney stated no. But be prepared that you might

be required to move them. Betsy stated that the last thing I want to say is that if I talk to animal control I have to say that the community service officers that entered my property without permission, and they did not seem like they knew anything about bee keeping and if they could get some sort of training so they know what to do. They need to be knowledgeable about bee keeping and know how to handle with care. The City Attorney stated that the notice provision of it is for the town to know where they are. Mayor stated that I think that the new Community Service employee as well as our Chief of Police would come and listen to learn more about the bee keeping process. She stated that she will talk to them about the entry into your property. We look forward to seeing your process and the only question I have is how far your hive from the property line is? Betsy stated it faces the street. She does not know what City property is or not. But she did say that it is not near anyone else property. Councilman Neumiller asked if it is at least 25 feet from the neighbor. She stated is it more than that. Mayor asked ok just make sure you are at least 25 feet from properties and City property. Betsy stated she has honey if anyone wants some, and she has extra flyers if anyone wants some.

Seth Holler: 1010 Falcon Ave

Seth introduced himself to the Council and he stated that he owns a business at 1010 Falcon Ave. I stand before you not as a bee keeper but as a concerned citizen. I want to talk to about the value of bee keeping in our community. I have taken the time to study our ordinances on bee keeping and I have looked at State Statues on this. I have learned that there are significant issues with our current ordinances that should be addressed. First, if you look at the 100 yard radius, it is important to know that bees can travel up to five miles. This means that the 100 yard radius is far from sufficient that bees may be present. In fact, if we are trying to the rule into its logical location then the bee keeper must notify the entire Town of Mills which is unpractical and unnecessary. Secondly, the ordinance requires a fly away barrier as stated in 6.08.060(D). Bee fly patterns are altered by weather, and available food sources. I believe there is a misunderstanding of fly behaviors when it comes to fly away barriers. This does not appear to be in state regulations. Finally, the ordinance requires registering of colonies and inspected by Town Clerk, and be available to the Police department and Fire department. While it is important for these entity's to be aware of the location of the bee colonies for emergency planning. It is equally important that these inspections are carried out by trained personnel. Bees are delicate creatures and handling can cause harm to the bees and can potentially lead them to defensive behavior and risk of stings. Furthermore, section 6.080.060 (F). He stated that bees are wild animals and can have hives in various locations. Also, 6.080.060 (E) it states that bees keepers need to keep water available for them, even though bee keepers keep water out for them, you have to keep in mind that bees are free flying insects and they can and will seek out water elsewhere. Lastly, section 6.080.060 (C) talks about property lines. He stated it might be good but bee don't recognize property lines. They will fly where they need to for food and can cross property lines. The ordinance places a significant burden on bee keepers, they give a lot of their time and financial responsibility to this. For them to notify residents within a 100 yard radius takes time. The bee keepers might not have the resources to comply with this requirement. A lot of these issues I urge the council to review this ordinance and feel that state requirements to insure that bee keepers are running safely and responsibly. It should not be required for the towns to impose more than what the state is already requiring. Mayor asked if the water supply is in line with state statues. He stated yes it to his knowledge. The City Attorney stated that the state statues used to regulate the density of bee keepers. That would be something that urban bee keepers would not desire. Seth stated that is correct. Please be aware that I am not a bee keeper, my research is more in line with how City ordinances applies to state requirements. The Mayor stated that this does require a separate conversation on our ordinance that it relates to bee keeping, on how we can make that better. When was Casper ordinance created? The City Attorney stated is the oldest local one. It predates 2020. The City Powel banded bees and then came back and revised it, and I don't know if they opened up at the time or not. He stated that he is guess and it might be around 2018 or something like that. Each municipality is a little bit different on the rules of bee keeping. Mayor asked she would be open to help fix the ordinance.

Jason Sandercock: 215 N 3rd Ave

This is a repeat of last year, I am confused on why, but I am here. I put my business license in for renewal and it has prompted some questions. Mayor asked him what his business is. He stated that my main job is I work for a oil and gas company. I deal with a lot of mad people and when I get home I buy cars and fix them in my shop and when I get done I sell them. I don't advertise. I sell one here and there. When I have stuff for sale I put it on

Facebook and Craig's list. It was a big deal between me and the Chief of Police last year, and I talked to Mr. Holscher last year. Everything has been fine and no complaints. I have no issues nothing has come up. Mayor again asked so your business is oil and gas. He stated that I work in oil and gas and the sale cars. I work on my own personal stuff. I really don't have a name for it. My business license is under car sales. When you sell more than 3 in the state you have to be licensed as a dealer. Also you have to have permission from the City for me to get my dealers license. I am just trying to comply with everyone. It has never been a problem all year. I don't park anything on the street. You guys are welcome to drive by my house anytime. My property is always neat and kept in an orderly fashion. You would never know what I do if you were driving down the street. The only thing you can tell is I am required to have a sign on my building so I have a 3 x 5 sign with my name and phone number and by appointment only. Mayor asked that is a requirement from the state for the dealership license. Yes he stated. The Mayor stated so the state classifies you as a dealership. He stated yes. I have to keep record of everything I sell. That is the difference of someone else selling on Craig's list of Facebook. Mayor stated that she thinks the issue here is the original permit was to allow for a hobby, and this has grown into more of a dealership as it is identified by the state. He stated it is because I sell more than 3 cars a year. So what we are running into is that your property is not zoned for commercial. Your best bet would be to go to the planning and zoning committee a request that your property be zoned for commercial so you can keep the business going. He stated that he could care less about the business, I do this to keep my sanity, but because I sell three in a year I have to have a dealer's license. Your Chief of Police stated that I had to have a business license with you all. I have complied with everything. By the time I get the permits and bonds I have spent a lot of money. If I did not have to that I would be fine. At the end of the day when I come home at night I just want to work on my stuff. . Mayor stated that the other issue would be you have vehicles that are unlicensed that you are going to sell, but in a residential neighborhood you are only allowed one unlicensed vehicle per property. So you are in violation of our ordinances that way. Mayor stated that I guess you want to continue with business as it is whether or not that it is your real job, my recommendation would be to go to planning and zoning and ask for a rezone. Doing this it would allow you to do what you do. Mayor asked the City Attorney what his thoughts are. He stated that what the Mayor said is correct. The problem you are always going to face is that because of its nature it is hard not regard it as a business. Because you sell more than 3 cars annually and you have a sign up, you are running a business in a residential area and you must comply with the municipal ordinance. So you don't have keep dealing with this. Jason stated that he has complied with us by getting a business license and insurance. I carry a 2 million dollar policy. I have to because this is a requirement of the state. If I don't have to I would not have it. Councilman McCarthy also stated that to have a business in Mills you have to have a fire inspection. He stated yes that is fine. I have had it done before. Councilman McCarthy stated that might differ than what we have. He stated that he is not trying to hide anything and has been honest with us since day one. Mayor stated to the City Attorney he rezoned the property would that satisfy the license. He stated that if it was zoned commercial it would be like a regular dealership, which then it will have the right to a collection of unlicensed vehicles. So yes it would satisfy that, but it would not be automatic. Councilman Neumiller stated that it still cannot be on the street. Jason stated that he never has them on the street. Mayor stated that she drove by a couple of days ago and she stated that the lot is clean and in order. The property is maintained. Jason stated that he has put a lot of money into it. Mayor stated that your property is professional looking. Again, I am trying to comply with everything and I just came in to renew and the City Clerk said to come in so I did. Mayor stated that we will get you the information for the planning and zoning board. They can help you through the process. Hopefully this will make it less stressful for you. Jason stated it is not stressful to me, I just shut the door and listen to music and do my thing. My license expires soon, will I be ok if I am in the process with all this. The Police Chief hates me, so I don't want him after me.

Tate Belden: 2116 Fontenelle Street

Tate Belden lives in the City of Casper and I have been a bee keeper since I have been in high school. I just want to make myself available for questions. I was part of the 2015 update to the City of Casper's code. It was interesting process to go through. The City of Casper had pages and pages of new regulations and we told them that this is already covered by the state, and you just let the state handle this you don't have to train anyone and do inspections. It is not going to cost you any money, It is already done. Casper said cool and they got rid of it. Part of the arrangement with the City of Casper is feral colonies. We have some in Wyoming, when we find them we try to contain them. We make ourselves volunteers to anybody find a feral colony or a swarm or has a question to

get a hold of us. We have a whole team to help out. We don't want anyone to be burden with this. I can make myself available. I have free classes and willing to help out. Mayor stated what your group name is. He stated it is Natrona County Bees. . Councilman McCarthy stated could you give your number to the clerk. Mayor asked you were apart of the change in 2015 with the City of Casper. Do you know why and who brought that up. He stated that is was in the works for 4 to 5 years by hobby bee keepers. We wanted to keep bees in city limits and at first it was a permit process. Then the made the mistake like they do with chickens. It got messy and complicated. The allergic is really a hyper sensitive reaction in the United States. It is really a low number. The deaths from a bee sting is super rare and low. The venom in bees is designed to trigger that reaction, to where you get the itching and swelling. That is how it works. Councilman McCarthy stated that it is real thing though, my father-in-law is deathly allergic to them. He understands he has worked in the ER and has seen that. Mayor stated that she would hate to see a colony shut down for the idea that someone is allergic. Again, I am willing to help out with your ordinance and bee keeping questions.

EXECUTIVE SESSION

None

ADJOURNMENT

Mayor asked for a motion to adjourn the meeting at 7:45pm.

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

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

AGENDA SUBJECT TO CHANGE WITHOUT NOTICE

NEXT MEETING - June 13th, 2023 @ 7:00pm / June 27th, 2023 @ 7:00pm

NEXT WORK SESSION - June 12th, 2023 @ 9:00am / June 13th, 2023 @ 6:00pm / June 27th, 2023 @ 6:00pm

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, Christine Trumbull