

**REGULAR CITY COUNCIL
MEETING**

July 11, 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 6-27-2023

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

Financial Approvals

2. Fire Payroll: 6-18-2023 to 6-29-2023

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. Regular/Police Payroll: 6-19-2023 to 7-2-2023

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. Court Income for June 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.

5. Treasurers Report June 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.

6. Financial Breakdown Report 7-11-2023

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

7. Ordinance 793, THIRD AND FINAL READING: An Ordinance Approving a Vacation of a Portion of South Fifth Avenue Adjacent to Lot 1, Block 8, Evergreen Park NO 2

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.

8. Ordinance 796, THIRD AND FINAL READING: An Ordinance Approving A Vacation of a Portion of Cosllo Street, Adjacent to Lots 0,1 and a Portion of Lot 2, Cosllo's District

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.

9. Ordinance 797, Second Reading: An Ordinance Authorizing the Vacation and Replat of Lots 1,2,3 & Reservoir Tract, Evergreen Park Subdivision and Lot 1, Block 8 Evergreen Park NO 2, To Be Known as Shawville Addition to the City of Mills

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 798, THIRD AND FINAL READING: An Ordinance Amending Certain Provisions of Title 17 in Regard to Mobile Homes

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

Neumiller, Council Member Sutherland. Motion Passes.

11. Ordinance 799, THIRD AND FINAL READING: An Ordinance Amending Title 6 Provisions Pertaining to the Keeping of Bees in Mills, Wyoming

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. Ordinance 800; First Reading: An Ordinance Amending Section 5.08.040 of Title 5, Business Licenses and Regulations

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

13. Resolution 2023-21: A Resolution Setting Certain Fees

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.

14. Resolution 2023-22: A Resolution Revising the Previously Extended Authorization to Submit an Application to the Wyoming Business Council Under the Business Ready Community Grant and Loan Program for a Business Committed Project

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.

15. Resolution 2023-23: A Resolution Approving Modification of Closing Time by Permit for Liquor Establishments on Sundays

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.

16. Resolution 2023-24: Fixed Assets

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.

17. Resolution 2023-25: A Resolution Regarding Loan of Artwork

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.

COUNCIL APPROVALS

OPEN DISCUSSION

Sheryl Smiley: 1113 Reed:

Sheryl was present again to ask for an extension to pay her past due on her water bill. She will not be able to pay by the 15th of the July and needs a little more time. She stated that she could pay it by July 19th. Mayor stated that we have given you many extensions and have you addressed your water leak. She stated that she is trying. Mayor stated is there a time frame that you will get the leak fixed. Remember you in violation of our ordinance. Mayor asked council what their thoughts are. Councilman Neumiller stated that I feel that we should grant her extension as long as she gets the leak fixed. The others agreed. Mayor asked for a motion to grant Sheryl an extension for the last time and needs to get the leak fixed. There will be no more extensions. Motion made by Councilman Neumiller and seconded by Councilman Sutherland. All Ayes, Motion passes.

Bob Hubbard: 320 Benton Ave

I have lived here for many years. Not much has changed. I live on Benton Street but this is concerning 527 Morgan Street. The triangle piece of land that had Mills pump house on it. I thought we had settled that with the last Mayor. I talked to his top man Mike , at the time said we were going to settle this small issue. Because at the time O'Hearn's bar could not open their doors because of Mills property. At that time they did settle O'Hearn's property but they did not settle mine. I heard that the last Mayor Seth Coleman was hard to deal with so I decided to wait till the new Mayor came in and apply for the piece of land that I am talking about. On this piece of land I have heard that they want to build a coffee shop. He introduced his grandson in law Rock and his granddaughter Kristen. Rock is here for two reasons his probably going to be the owner, and the second thing is I don't hear well so he is going to help me. I thought this was going to be easy worked out and then realized it was not so I decided to approach an attorney. I approached Mr. Holscher and he said wait a minute I am the City Attorney and Bob stated that he has been recommended to him. Our City Attorney did recommend some other attorney's to me. I will get a hold of them. I have been down a couple of weeks with cataract surgery. When I came here there was nothing here but a street I bought the land in 1973. The State of Wyoming came to him and said we are going to build a highway and we are going to buy your land. I did not want to sell but they told me that I do not have a choice. So they bought my land and the piece that is what is in question today. At that time I did not understand all this and they bought my land. The land belongs to me and they had a piece of land that they sold at public auction. The person that owns the Fort over here bought the piece of land at auction. He then gave to the City of Mills. So that is how the City of Mills got my property is that the State took from me and sold to him at public auction and then he gave to Mills. The highway frontage is extremely valuable and I own the land adjacent to this piece of land that the coffee house is going. Bob stated that he objects to this. Rock and I want to put a nice car lot, and we were told by Mills that we had to go to everyone in the neighborhood to get approval. After we go all the approvals we were told that we had to go to the planning and zoning commission. At that time we were unable to succeed with our project. Now that I understand unless the process has changed, I have no one come to me about this coffee shop. Mr Hubbard how would you like a coffee shop out there. Bob state that he does not want a coffee shop out there. I want the piece of land because it would give me highway frontage and increase my property value. Also Rock has a car lot now, he wants to put a car lot there. Bob stated that the City has offered me a pretty fence and this and that. I want the land not the fence Bob stated. The coffee shop is right in the middle of the street and it makes no sense to me. No one has come to me and asked me if I want a coffee shop there. Rock took over and he stated after looking how small the piece of land is I would be concerned that if there was more than two cars that Bob cannot get into his property. Also if there is more than 3 to 4 cars they are going to be backed up on Wyoming Blvd. I am concerned that there could be a traffic issue. It is a high traffic location and see why they want it. Mayor stated that we have looked into other models like the Bucking Brew and currently that is not an issue. Rock stated that they are not on a busy highway, they have back roads to go down. Rocky stated that there is also an actual street and from what I know you cannot build if there is a street. Rock

stated that you would have to put her coffee shop on the Wyoming Blvd side so it would not impact his entrance. The Mayor stated right. Bob stated again that he does not want the coffee shop there and he stated to the Mayor that the way she is talking Mr. Holscher will have work to do. Bob showed the flyer that Leah Juarez ran on to get elected. On the top of the sheet it says it is our goal to make sure residents have their voices heard at City Hall. No one has talked to me except for the last few days about a coffee shop on land that I consider mine. Mayor stated that she will have to correct him public on that. Mrs. Kemper has talked to you three times as well as Mr. O'Hearn. Rock relayed the message to Bob and he stated that they did come by, and they did not bring a petition for me to sign. They said they will give me a pretty fence. Rock stated that Mr. O'Hearn said if Bob incorporates he will get his piece of land with his fence or he can contest it and fight it. Mayor stated that Mr. O'Hearn cannot speak for the City and Rock stated that they know that and that is why they are here. He has no way of giving land or has any authority to do so. It would have to be a council action. Rock stated that it is not giving land it is just moving the fence. Mayor stated that we are talking about two different pieces of land. Rock stated that they offered to move the fence and the Mayor stated that we are talking about the land on the Wyoming Signs property right. He stated yes. Rock stated that what he said he could offer to do if we allow a coffee shop on the property. Again, the Mayor stated that he cannot promise you anything, I did advise my people that if the property line is yours we do need to address that. The folks are aware that it is mine stated Bob. Survey's have been done to show this as well as Mr. O'Hearn knows it is. There is markers in a hole that show it. Mayor stated that I agree that if the property is yours we need to do something about it. Rock stated to Bob that if it is your property we need to get it resolved. He passed out some notes to the Council members. Mayor stated again that she wants to clarify that this is not a this for that situation. We would like to resolve the land issue. Rock stated that the Sips property that the City is calling it, are you selling it? Mayor stated that as long as she is in this position we will not be selling City property. Mayor stated that it is being rented and it was open for proposal Rock stated that is the Council aware of how much it is being rented for. Councilman McCarthy stated that we have not discussed how much we are going to rent it for. Mayor stated that the RFP was open and by state law we have to do that. Rocky stated that he has heard that no one addressed it. Rock stated that no one submitted one, even Sips Coffee. Mayor stated that they did. Rock wanted to know what their next steps would be protesting this. Mayor directed the question to the City Attorney. The City Attorney stated that this is a broad question because the topics raised tonight are broad. But if you are protesting the leasing of the property under the proposal that was made basically you have protested. At the point that a lease was ready to be given you could raise your concern that would be appropriate. Rock feels that the Council is doing things that are not accurate. The City Attorney stated that the fundamental issue here is the record title is in correct. Rock stated that you cannot put a coffee shop on a street. Is it legal to stop in a middle of a street? The attorney stated they have not proposed to put a building in a middle of the street. The City of Mills has the right to regulate the street and roads within the City. The attorney stated you are willing to express you discontent with a proposal as it moves along. Rock stated what Bob's rights is if the traffic impedes on his right to enter his property. You have the right to address it here and most do in front of Council and if needed we can contact the maintenance department. The City attorney stated that since we are here and the record has been confusing we might need to slightly correct the record because we do not want to correct an inactive record. The Fort which is the building next to us does not belong to the City of Mills. Also the reference to the liquor establishment that was formally license to Stagers, which it did have some things from a unique property, but at that time it had no connection with prior license holders that at one point of time was Millview Liquors that belonged to the O'Hearn. I just want the record to reflect these two. Rock wanted to know is there a way to find out when Sips applied. Mayor stated that we should have that on record. Bob stated that he has looked and there is not record of them applying and in the minutes we have not seen this issue come up. The City Attorney stated that there is a public record of everything that has happened. Bob stated that we have not seen that this has ever happened. The City Attorney stated that there has been no lease formalized at this time. She was the only one that expressed interest in the property. Bob stated that Sips Coffee owner is already hiring, and it appears that the Mayor is really good friend of yours, knows that you are going to vote to approve this. Do you know that the all the Council will vote to approve it. Bob stated that it looks like right now looking at the Mayor that she is the one that approved it. Bob asked if the Council has heard of this issue before. Councilman McCarthy stated that yes we have talked about it before in work sessions that are open to the public. The City Attorney stated that she also presented in an open session and presented her plans. At that point it was put out for RFP. If I remember stated the City Attorney that she came to a open meeting. But she did speak in an open session. I understand that you can open up the RFP process again, that we could submit one. Nothing on the record shows that has happened. The City Attorney stated the record

will show that has happened. If you want to suggest that there be a proposal you can suggest it. That does not mean that a new request will be given. Bob stated that you are saying that she is the only one that showed an interest, and the City Attorney agreed and Bob stated that no one contacted him about this and what I think. Mr O'Hearn stated to us that he said he did contact you that the RFP was open. I understand that it can be reopen. The City Attorney stated that RFP can be rejected and then they can be brought back. There is not obligation to bring it back. Bob stated that we had heard through the grape vine that we could request all we want but he Mayor had made up her mind about her very good friend in Douglas and we could request all we want but she would veto any others that came in. The City Attorney stated that he is not the council but you are exceeding the time limit by a lot. The next thing is that this was all brought up in an open session and brought up repeatedly. Bob stated that he did not know it was even happening. Our staff according to the attorney that Bob has been informed. Kristen his granddaughter wanted to know where we can go from here. Is there anything we can do. Let's be real here. Is there anything we can do to fix this? Mayor stated do you not want the coffee shop to go through or do you want a car lot there instead. Rock stated either or. We just do not want the coffee shop there. Kristen stated that we cannot build a car lot if we are not going to get the frontage road. We are not even there yet. Mayor stated that the City cannot hold City property for the hopes that there will be something in the future. Rock stated maybe offer us the same lease that you are going to offer Sips. This piece of property has been pending for 50 years because there was a water pump on it. The City took the water pump down and Seth Coleman did not respond. But you are the new one and I intend to meet with you about the land. Mayor stated that I will have to give the owner of Sips Coffee credit because she saw an opportunity and she took advantage of it real fast. Bob says I suggest you re-open it. We have been told that you are going to give it to her because you are good friends. Mayor stated it is not because we are friends, she decided to move forward and took advantage of a business opportunity. Rock asked if the mayor and the owner of Sips Coffee are good friends. The Mayor stated that they are acquaintances. Rock asked the Mayor how she found out about the property. The Mayor stated that she reached out to the City and acquired if there was any property because her business model would be perfect for this lot. Rock says it is obvious to me that you planned on it and you probably suggested the property to her. Mayor stated that it was Mike Coleman our City Administrator. Bob stated that this to his understanding that this has not been voted on by the council. The Mayor stated that we have not voted on a lease. Rock stated to Bob that they have voted on other things but have not voted on a lease. Kristen asked that it is not official yet. The City Attorney stated that RFP was sent out and this was the only proposal that we received. The City Attorney stated again to Bob that he was informed. You can say that you were not but you were. When Kevin O'Hearn came and offered me the fence that is the first that I had heard about it according to Bob. The City Attorney stated this is the only one we received and is in the process to work through. It may finalize and or it may not. If it did not it would be up to the City to determine if anything what they want to do with the parcel. This is not a new topic. This has been going on for months while it gets worked out. Bob went back to that when the state bought the land which was his for over 50 years. The City built the pump house on it. The City Attorney stated again that it is City Property. The City should have notified him, this is terrible. The City Attorney stated that we understand that you do not like the proposal and you have expressed that you do not like it. He stated that you have had more time than others. Bob stated that he wants more time and the City Attorney stated he does not know what he is seeking. You have made your discontent here and if you want to make some request of the City you can make it. That does not mean that it would be granted. Kristen stated does he need to make an official request to re-open the RFP process again. After back and forth, the City Attorney stated that we have no authority to give property to anyone. If we were going to sell property it would require the City Council sold by law to the highest bidder. There is no guarantee that you would be. The policy of this Council is it does not sell City property. The council has an obligation to make use of the property and this is the attempt to do so. You can propose your use to the City if you wish. You should put forth in writing. The City would have to be open to consider and open the request for proposals. Rock stated that they were told by City Officials a few days ago that this had not happened. The whole process comes across that is was done secretly. The City Attorney stated that is was not. The request for proposals was done right here in open discussion. We thought that they had to come around and get approval and we did not sign a petition. Mayor stated that they only do that when a rezoning is being done. Rock and Kristen a were going back in forth with the Mayor about how unhappy they are with the process. Kristen stated that they are using the property that they own for their own benefit. Mayor stated that the property is zoned as commercial. Bob stated that he has heard they have not voted on a lease yet. They can still back out. The City Attorney stated that either side can reject the lease. The Council has to vote on it. Bob stated so they can still put it out to bid if they choose. Anything is possible the City Attorney stated. The

conditions of the lease is still to be determined. The City Clerk passed out to Council some more papers from Bob. Bob stated that he has more to bring up and this is not the time and place to do so. He thanked the council for their time.

Kristen had some other issues she wanted to bring up. Her name is Kristen Carlson, She lives in Casper. She wanted to talk about the cat problem. They are out of control. They are everywhere. They are all over his garages. You open it and they all come in. Councilman McCarthy stated that we have TNR. Mills has partnered with Evansville, Bar Nunn to do a pilot program for TNR. We are going to start collecting the feral cats spay and neuter them clipping the ears then let them back out. We hope to start the program soon. Kristen said something has to happen, Bob does not want the cats to starve. The whole neighborhood is going through this.

Chris Sutherland 4493 Chalmers.

He has a couple of issues. He wanted to know if we have anyone that can fix street lights. Mayor stated that our maintenance department can. What is happening is that in the Mountain View Subdivision the lights are going in and out, and some are not working at all. Chalmers was bad and someone must of went down that street. Are we going to do something about the cracks in the street? Mayor stated that we have an app on the website that you can report issues to and that will go to our Public Works department. I have noticed that we also have weeds popping up everywhere. They are also in the gutters and everywhere. Mayor stated that she will let the maintenance department know. I will go onto the website and see what I can learn.

EXECUTIVE SESSION

None

ADJOURNMENT

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

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.

AGENDA SUBJECT TO CHANGE WITHOUT NOTICE

NEXT MEETING - July 25th, 2023 @ 7:00pm/ August 8th, 2023 @ 7:00pm/ August 22nd, 2023 @ 7:00pm

NEXT WORK SESSION - July 25th, 2023 @ 9:00am/ August 7th, 2023 @ 9:00am/ August 22nd, 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