

**WORK SESSION MEETING**  
**August 22, 2023**  
**6:00 PM**  
**City Hall**



**Mayor:**  
Leah Juarez  
**Council President:**  
Sara McCarthy  
**Council Members:**  
Cherie Butcher  
Brad Neumiller  
Tim Sutherland

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## **AGENDA**

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### **CALL TO ORDER**

### **AGENDA ITEMS**

- [1.](#) Mayor - Zoll Billing Contract
2. City of Casper Landfill
- [3.](#) Downtown Rezone Packet
- [4.](#) SIPS Parking Waiver Packet
- [5.](#) Brush Truck MOU

### **ADJOURNMENT**

### **AGENDA SUBJECT TO CHANGE WITHOUT NOTICE**

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.



DATA SYSTEMS

ORDER Q-63252

11802 Ridge Parkway, Suite 400  
Broomfield, Colorado 80021-5059  
(303) 801-0000 (main)  
(800) 474-4489 (toll free)  
www.zolldata.com

Item #1.

Customer Information

Company Name: Mills Volunteer Fire Department  
Address: 300 Lakeview Drive  
Mills, WY 82644

Bill To: Mills Volunteer Fire Department  
300 Lakeview Drive  
Mills, WY 82644

Contact: Sarah Osborn  
Email: sosborn@millswy.gov

Software, SaaS and Services

Initial Term: 60 months

Offer Expiration: September 30, 2023  
ZOLL Representative: John Jaweed

SaaS								
Item	Lic. Type	Description	Qty	Unit	List Price	Disc	Unit Price	Monthly Fee
ZOBILL1	HL	ZOLL Billing	125	Claim	\$4.94		\$4.94	\$617.50

Professional Services								
Item	Lic. Type	Description	Qty	Unit	List Price	Disc	Unit Price	Total
ZBIMP	---	ZOLL Billing Implementation Day (Excludes T&E)	2	Day	\$1,500.00		\$1,500.00	\$3,000.00

PROFESSIONAL SERVICES FEES: \$3,000.00  
MONTHLY FEES: \$617.50

TOTAL FEES FOR INITIAL TERM: \$40,050.00

Terms

The Initial Term will begin on the date of last signature below (the "Effective Date") and will end the number of months indicated above following the Monthly Fees Commencement Date (as defined in the Agreement). Discounted Fees are rounded to two decimal places for display purposes. As many as eight decimal places may be present in the actual price. The total Fees in this Order were calculated using the actual price, which are the true and binding totals for this Order.

This Order is governed by and subject to the terms and conditions, including applicable addenda, available at <https://www.zolldata.com/legal>, and incorporated herein by reference, unless Customer and ZOLL Data Systems, Inc. have executed a written master agreement governing the Software, SaaS and Services listed above that expressly supersedes such terms and conditions (as applicable, the "Agreement"). By signing below, (1) Customer represents and warrants it has read this Order and the applicable Agreement and agrees to such terms and conditions and (2) each person below represents and warrants that she or he has the authority to bind the party for which she or he is signing.

ZOLL Data Systems, Inc.

Mills Volunteer Fire Department

Authorized Signature:

Authorized Signature:

Name \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

Name \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_



**CITY OF MILLS**  
EST. 1921

704 Fourth Street  
P.O. Box 789  
Mills, WY 82644

Phone: 307-234-6679  
Fax: 307-234-6528

Item #3.

## Memorandum

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**TO:** Mills City Council  
**FROM:** Megan Nelms, AICP, City Planner  
**DATE:** August 16, 2023

**SUBJECT: Downtown Commercial River Front District Zoning**

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**Case Number:** 23.03 COZ

**Summary:** The City of Mills is proposing to rezone certain lots and blocks within the original Mills townsite from ER (Established Residential District) and MU (Mixed Use District) to EB (Established Business District) to further implement the goals outlined in the 2017 Comprehensive Plan and the 2016 River Front Concept Development Plan, which include creation of a downtown district within the City of Mills, as well as development of the Downtown Riverfront Corridor.

### Description of Properties to be Re-Zoned:

Legal Description	Current Zoning District	Proposed Zoning District
Lots 9-16, Block 49, Town of Mills	ER (Established Residential)	EB (Established Business)
Lots 4-12, Block 44, Town of Mills	MU (Mixed Use)	EB (Established Business)
Lots 1-14, Block 45 excluding ROW, Town of Mills	MU (Mixed Use)	EB (Established Business)
Lot 3-7, Block 55, Town of Mills	MU (Mixed Use)	EB (Established Business)
Lots 8-11, Block 55 excluding ROW, Town of Mills	ER (Established Residential)	PLI (Public Land – Institutions)

### EXISTING CONDITIONS:

Currently, there are varying uses on the properties proposed for rezoning. These include single family residences, mobile homes, and a (4)-unit multi-family complex. There are also several vacant parcels.



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The average lot size for all parcels included in the rezoning is 5,600 square feet, however, many properties are multiple lots owned by the same entity, essentially creating larger “tax parcels.” The current minimum lot size in the EB District is 4,000 square feet.

**ZONING CONSIDERATIONS:**

The 2017 Comprehensive Plan Future Land Use Map designates this area as Commercial use. The re-zoning request is in accordance with the future land use map. Implementation actions identified in the 2017 Comprehensive Plan, include, “Develop a unique downtown destination for residents and visitors to gather and celebrate the community” and “Define and establish a specific Downtown Riverfront Corridor District...with guidelines for future commercial development.”

The properties identified for re-zoning meet the criteria, once rezoned to EB (Established Business), for inclusion in the Downtown Commercial District and Downtown River Front Corridor District. These areas were identified in the 2016 River Front Feasibility Study and 2017 Comprehensive Plan.

All parcels included in the re-zoning, as they currently exist, are compliant with Title 17 requirements for the EB District. All uses, if not permitted within the EB District, shall become “permitted non-conforming uses”. There will generally be no immediate effect on property owners after the rezoning is complete. The current use of the property may continue in perpetuity until a substantial change is proposed. A substantial change would be a change in use, for instance, removing a manufactured home from the property and not replacing it, replacing it with a different structure or use, or a desire to alter the existing structure on the property.

All future development will be subject to the EB (Established Business) zoning district requirements.

**Planning Commission Recommendation:** At their August 3, 2023, meeting the Planning & Zoning Commission made a “DO PASS” recommendation on the proposed rezoning.

**Staff Recommendation:** Staff recommends APPROVAL of the rezoning.

## **Downtown District – Rezoning Property Legal Descriptions**

### **Currently Zoned ER (Established Residential) – Rezone to EB (Established Business)**

Lots 9-16, Block 49, Town of Mills

### **Currently Zoned MU (Mixed Use) – Rezone to EB (Established Business)**

Lots 4-12, Block 44, Town of Mills

Lots 1-14, Block 45 excluding ROW, Town of Mills

Lot 3-7, Block 55, Town of Mills





### **Currently Zoned ER (Established Residential) – Rezone to PLI (Public Land – Institutions)**

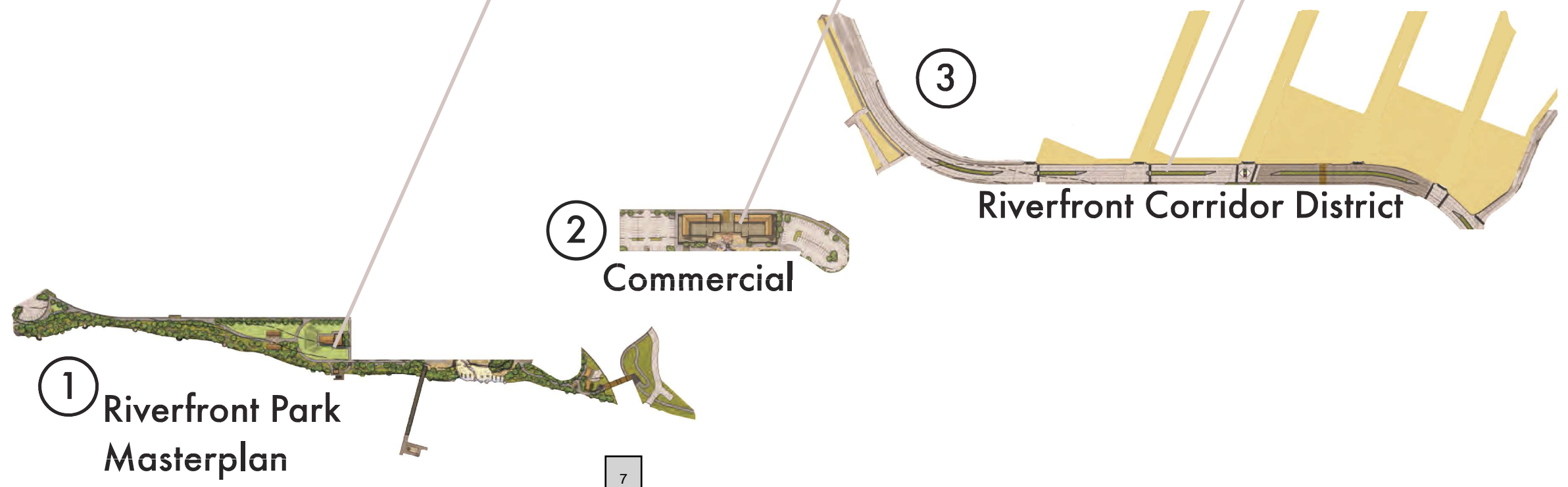
Lots 8-11, Block 55 excluding ROW, Town of Mills

# Mills Downtown River Front Corridor – Commercial Rezoning 2023



**Mills Zoning Districts**

 Mills, DB	 Mills, ER: Established Residential
 Mills, DI: Developing Industrial	 Mills, PLI: Public Land Institutions
 Mills, DMH: Developing Mobile Home	 Mills, PUD: Planned Urban Development
 Mills, DR: Developing Residential	 Mills, MSR: Mixed Sized Residential
 Mills, EB: Established Business	 Mills, MU: Mixed Use
 Mills, EI: Established Industrial	 Mills, UA: Urban Agriculture
	 Mills, UR: Urban Agriculture Residential



**Property Owner List**

<b>Name</b>	<b>Address</b>	<b>City</b>	<b>State</b>	<b>Zip</b>
Victor Salazar	Box 1233	Mills	WY	82644
Geoge Hine	265 N 3rd Ave	Mills	WY	82604
North Piney Investments, LLP	4350 Wolf Creek Rd	Casper	WY	82604
Angela Fankhauser	1759 Mitchell St.	Casper	WY	82601
Cory Kessel	PO Box 1172	Mills	WY	82644
Maretta M Johnston Revocable Tr	Box 58	Mills	WY	82644
Nania Investments LLC	PO Box 2342	Mills	WY	82644
Theodore Jayne	PO Box 2142	Mills	WY	82644
Arthur McNare	2200 W 45th St	Casper	WY	82604





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704 Fourth Street  
P.O. Box 789  
Mills, WY 82644

Phone: 307-234-6679  
Fax: 307-234-6528

July 19, 2023

Victor Salazar  
Box 1233  
Mills, WY 82644

RE: City of Mills Downtown Commercial & River Front Corridor Re-Zone

Dear Landowner:

Your property has been identified as meeting the criteria and intent for rezoning to EB (Established Business District) for the creation of a Downtown Commercial and River Front Corridor within the City of Mills. Areas identified within a proposed River Front Corridor District in the 2016 River Front Feasibility Study are being included within this city-initiated rezoning proposal.

The City of Mills Planning and Zoning Board and City Council will review the city-initiated zoning proposal for yours, and 36 other similar parcels in the proposed Downtown & River Front Corridor area. I have enclosed a map which shows all the parcel proposed for rezoning outlined in yellow.

The City Planning & Zoning Commission will review the proposed re-zoning at their meeting on **Thursday, August 3, 2023, at 5:00 P.M.** in the Conference Room at City Hall, 704 4<sup>th</sup> Street, Mills, Wyoming. The City Council will hold a public hearing to review the proposed re-zoning at their meeting on **Tuesday, August 22, 2023, at 7:00 P.M.** in the Council Chambers at City Hall, 704 4<sup>th</sup> Street, Mills, Wyoming.

If you are unable to attend the meetings and have any comments regarding this proposal, you may send a signed letter or fax to the City Clerk's Office no later than 5:00 p.m. on August 15, 2023, and it will be forwarded to the City Council on your behalf.

The following are the legal descriptions of properties included in the re-zoning proposal:

Legal Description	Current Zoning District	Proposed Zoning District
Lots 9-16, Block 49, Town of Mills	ER (Established Residential)	EB (Established Business)
Lots 4-12, Block 44, Town of Mills	MU (Mixed Use)	EB (Established Business)



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Lots 1-14, Block 45 excluding ROW, Town of Mills	MU (Mixed Use)	EB (Established Business)
Lot 3-7, Block 55, Town of Mills	MU (Mixed Use)	EB (Established Business)
<b>Lots 8-11, Block 55 excluding ROW, Town of Mills</b>	ER (Established Residential)	PLI (Public Land – Institutions)

The 2017 Comprehensive Plan and 2016 River Front Concept Development plan included goals that support the creation of a Downtown & River Front Corridor, and now, the consideration of property rezoning. As noted above, your property is being proposed for rezoning to EB (Established Business District) in an effort to further implementation of the new corridor area.

Because your property is being proposed for rezoning, we are happy to discuss any questions that you may have to help inform your thoughts and participation in this process. To discuss any aspects, please contact me at [megan@y2consultants.com](mailto:megan@y2consultants.com) or 307-632-5656 with questions anytime during normal business hours.

Sincerely,

Megan Nelms, AICP  
City Planner

Enclosure

**Surrounding Property Owner List**

<b>Name</b>	<b>Address</b>	<b>City</b>	<b>State</b>	<b>Zip</b>
Philip & Jody Schmidt Living Trust	3911 Otter	Casper	WY	82604
Jerry Twogood	Box 2526	Mills	WY	82644
A C 307 LLC	4165 Ranch Rd	Casper	WY	82604
Shawn Fink	9352 Poison Spider Rd	Casper	WY	82604
All Out Fire Extinguisher Service Inc	PO Box 790	Mills	WY	82644
Andrew Butcher	Box 382	Mills	WY	82644
Kellee Schuerman	Box 1552	Mills	WY	82644
Michael Eatmon	525 Nesting Crane Ln	Longmont	CO	80504
Gary & Margaret Randall Revocable Trust	PO Box 2058	Mills	WY	82644
Sharon Stephan	6049 River Park Dr	Casper	WY	82604
Robert Hubbard	PO Box 670	Mills	WY	82644
Kenneth Fife	PO Box 594	Evansville	WY	82636
Matthew Leslie	616 Fourth St	Mills	WY	82604
Ashley Larimore	PO Box 2513	Mills	WY	82644
Gary Root	Box 63	Mills	WY	82644
David Holbrook	PO Box 2991	Mills	WY	82644
Debra Ann D'Arcy	5150 Chuckwagon Trl	Casper	WY	82604
Patrica Granjiulo	Box 1029	Mills	WY	82644
Randy Hunt	Box 3034	Mills	WY	82644
Glen Stack	Box 937	Mills	WY	82644
Anthony Chavez	Box 1091	Mills	WY	82644
Bayou Liquors Inc	PO Box 673	Mills	WY	82644
Dave Nania	Box 340	Mills	WY	82644
Robert Brooks	PO Box 45	Mills	WY	82644
Willis Schaible	Box 6388	Sheridan	WY	82801
Jimmie Stoneking	PO Box 2097	Mills	WY	82644
Lois Leggett	Box 125	Mills	WY	82644
Robert Creason	216 Platte Ave	Mills	WY	82604
Susan Garris	842 S David St	Casper	WY	82601
John Carlton	Box 2391	Mills	WY	82644
Austin Engineering Attn: Anne Larsen	PO Box 2964	Casper	WY	82602



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704 Fourth Street  
P.O. Box 789  
Mills, WY 82644

Phone: 307-234-6679  
Fax: 307-234-6528

July 19, 2023

Robert Hubbard  
PO Box 670  
Mills, WY 82644

RE: City of Mills Downtown Commercial Re-Zone

Dear Neighboring Landowner:

I would like to inform you of a proposed re-zoning of property in your area. If you should have any concerns or comments, you are invited to attend the following public hearing:

The City Planning & Zoning Commission will review the proposed re-zoning at their meeting on **Thursday, August 3, 2023, at 5:00 P.M.** in the Conference Room at City Hall, 704 4<sup>th</sup> Street, Mills, Wyoming.

The City Council will hold a public hearing to review the proposed re-zoning at their meeting on **Tuesday, August 22, 2023, at 7:00 P.M.** in the Council Chambers at City Hall, 704 4<sup>th</sup> Street, Mills, Wyoming.

The City of Mills proposes to rezone the following properties. The enclosed aerial photo shows the properties proposed to be re-zoned outlined in yellow:

Legal Description	Current Zoning District	Proposed Zoning District
Lots 9-16, Block 49, Town of Mills	ER (Established Residential)	EB (Established Business)
Lots 4-12, Block 44, Town of Mills	MU (Mixed Use)	EB (Established Business)
Lots 1-14, Block 45 excluding ROW, Town of Mills	MU (Mixed Use)	EB (Established Business)
Lot 3-7, Block 55, Town of Mills	MU (Mixed Use)	EB (Established Business)
<b>Lots 8-11, Block 55 excluding ROW, Town of Mills</b>	ER (Established Residential)	PLI (Public Land – Institutions)



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The purpose of this City initiated rezoning is part of implementation of the goals outlined in the 2017 Comprehensive Plan and the 2016 River Front Development Plan, which include creation of a downtown district within the City of Mills, as well as development of the Riverfront Corridor District.

If you are unable to attend the meetings and have any comments regarding this proposal, you may send a signed letter or fax to the City Clerk's Office no later than 5:00 p.m. on August 15, 2023, and it will be forwarded to the City Council on your behalf. Please do not hesitate to contact me at (307) 632-5656 if you have any questions.

Sincerely,

Megan Nelms, AICP  
City Planner

Enclosure

## NOTICE OF PUBLIC HEARING

A public hearing will be held by the Mills Planning & Zoning Board on August 3, 2023, at 5:00 p.m., and the Mills City Council will hold a public hearing on August 8, 2023, at 7:00 p.m. in the Council Chambers, located at 704 Fourth Street, Mills, WY to receive comments on the proposed Mills Downtown District rezoning. The City of Mills intends to rezone the following properties to EB (Established Business):

### **Currently Zoned ER (Established Residential)**

Lot 16, Block 50, Town of Mills  
Lots 9-16, Block 49, Town of Mills

### **Currently Zoned MU (Mixed Use)**

Lots 4-12, Block 44, Town of Mills  
Lots 1-14, Block 45, Town of Mills (excluding highway right of way)  
Lots 3-7, Block 55, Town of Mills

The City of Mills also intends to rezone property legally described as Lots 8-11, Block 55, Town of Mills (excluding highway right of way) from ER (Established Residential) to PLI (Public Land - Institutions).

Anyone having an interest in the property should attend the meetings. Comments may also be made in writing and given to the City Clerk before noon on August 1, 2023.

PUBLISH: July 13 & 27, 2023

DRAFT



# MINUTES OF THE 3<sup>RD</sup> OF AUGUST 2023 MILLS PLANNING & ZONING BOARD MEETING

**Board Members Present:** Bob Greenley, Leon Norvell, Dale Smith and Chris Volzke were all present for this P&Z Meeting. Board Member John Gudger was present via telephone.

**City Staff in Attendance:** Megan Nelms, City Planner, via teleconference, Kevin O’Hearn, Building Official, Sabrina Kemper, Community Development Director, Patrick Holscher, City Attorney, Leah Juarez, Mayor.

**Others in Attendance:** Remy Larson, Mary Larson, Dennis Bond, Ken Sthele, Mary McMillan, Enoch Hart, Kellee Schuerman, Pamela Bowen, Vicki Jammerman, Robert Creason, Melissa Kobernick, Rocky Carlson, Kristen Carlson, Bob Hubbard, Sam McNare, Dell Johnston.

Chairman Leon Norvell called the meeting to order at 5:03 PM on August 6, 2023, as a quorum was present.

Chairman Norvell asked board members if everyone had read the minutes of the July 6, 2023, P&Z Board meeting and if there were any noted changes. There were none. Board Member Bob Greenley made a motion to approve the minutes. Chris Volzke seconded the motion. Chairman Norvell called for a vote to pass the minutes of the July 6, 2023, P&Z meeting. All ayes, motion passed.

Chairman Norvell asked Megan to present the first agenda item. Megan introduced case number 23.03 COZ, the Downtown Commercial River Front Corridor District rezoning proposal.

**Background:**

The City of Mills is proposing to rezone certain lots and blocks within the original Mills townsite from ER (Established Residential District) and MU (Mixed Use District) to EB (Established Business District) to further implement the goals outlined in the 2017 Comprehensive Plan and the 2016 River Front Concept Development Plan, which include creation of a downtown district within the City of Mills, as well as development of the Downtown Riverfront Corridor. Megan provided the legal descriptions and proposed zoning for the properties included in the rezoning proposal. She stated that letters had been sent out to all property owners, as well as surrounding properties within 140’ of the properties being rezoned.

# MINUTES OF THE 3<sup>RD</sup> OF AUGUST 2023 MILLS PLANNING & ZONING BOARD MEETING

Legal Description	Current Zoning District	Proposed Zoning District
Lots 9-16, Block 49, Town of Mills	ER (Established Residential)	EB (Established Business)
Lots 4-12, Block 44, Town of Mills	MU (Mixed Use)	EB (Established Business)
Lots 1-14, Block 45 excluding ROW, Town of Mills	MU (Mixed Use)	EB (Established Business)
Lot 3-7, Block 55, Town of Mills	MU (Mixed Use)	EB (Established Business)
Lots 8-11, Block 55 excluding ROW, Town of Mills	ER (Established Residential)	PLI (Public Land – Institutions)

She explained that currently, there are varying uses on the properties proposed for rezoning. These include single family residences, mobile homes, and a (4)-unit multi-family complex. There are also several vacant parcels. She stated that the average lot size for all parcels included in the rezoning is 5,600 square feet, however, many properties are multiple lots owned by the same entity, essentially creating larger “tax parcels.” The current minimum lot size in the EB District is 4,000 square feet.

Megan provided information regarding the City’s Comprehensive Plan and Future Land Use Map and said that the Future Land Use Map designates this area as Commercial use and therefore the proposed re-zoning is in accordance with the future land use map. She also stated that implementation actions identified in the 2017 Comprehensive Plan, include, “Develop a unique downtown destination for residents and visitors to gather and celebrate the community” and “Define and establish a specific Downtown Riverfront Corridor District...with guidelines for future commercial development.”

Megan summarized the proposal and said that all future development would be subject to the EB (Established Business) zoning district requirements and that staff recommends approval of the proposed rezoning.

Chairman Norvell thanked Megan and asked if there were any questions from the Board.

Board Member Volzke asked Megan about the continuation of current uses on the property and what this rezoning would change if anything. Megan stated that the rezoning changes nothing except the zoning designation of the property. No one is being required to move or change the use of their property. She stated that if they are living in their house now and wish to continue to do that, no one will prevent that. The uses on the parcels will become “permitted non-conforming uses”. The current use of the property may continue in perpetuity until a substantial change is proposed. A substantial change would be a change in use, such as starting a new business on the



# MINUTES OF THE 3<sup>RD</sup> OF AUGUST 2023

## MILLS PLANNING & ZONING BOARD MEETING

property, or, for instance, removing a manufactured home and not replacing it within the time specified in Title 17, or a desire to physically alter the existing structure on the property.

There was a question from the public about constructing a shop on a property. Megan asked if it would be accessory to an existing residential home or use, or if it would be stand alone. There was general discussion about the ability to construct an accessory garage for an existing residence in the EB District versus constructing a stand-alone shop. Megan stated that if the shop building was to be used for commercial business; that would be a permitted use in the EB District. She stated that it would be best to have an actual application or proposal to make specific recommendations or decisions on instead of “what-if” scenarios but said that she believes the City is willing to work with property owners in the area as the Downtown River Front Corridor develops into the future.

There was a question from the public regarding the removal of mobile homes from the parcels. Megan stated that mobile homes are not permitted in the EB District. As existing non-conforming uses, per Title 17, an owner would have 180 days to replace a mobile home removed from the lot. If the home was not replaced within that time frame, the use would cease, and a mobile home would not be allowed to be placed back on the lot. There was general discussion about rented mobile homes and it was explained that renters are at the mercy of the landlord, regardless of whether the property is rezoned. The landlord/property owner is the one responsible for ensuring the non-conforming use status is maintained or if homes are removed from properties.

The next question asked by the public was regarding structures destroyed or damaged by fire or other “acts of God.” Megan stated that Title 17 already provides for this, and additional time is given to reconstruct buildings affected. She read aloud the applicable section, stating that in that situation, an owner has six months to begin construction and have up to 17 months to complete it. Board Member John Gudger inquired about adjacent residential uses and how they might be affected by the commercial redevelopment in this area of Mills, which has traditionally been residential in nature. Megan stated that the City is currently working on amendments to Title 17, which will include buffering standards. Those standards will be used to mitigate the impacts of adjacent land and will have provisions for preventing incompatible uses being adjacent to one another.

Board Member John Gudger also asked about lighting, stating that lighting from commercial and industrial uses around Mills affecting residential landowners has been an issue in the past. Megan stated that lighting standards will also be included in the upcoming Title 17 amendments and will include provisions such as ensuring that lighting is shielded and does not shine off the property.

Chairman Norvell then asked if there was any further discussion. There was none so he called for a motion. Board Member Chris Volzke made a motion to provide the City Council with a “Do Pass” recommendation for the Downtown Commercial River Front Corridor District re-zoning proposal. Board Member John Gudger seconded the motion. All voted in favor, motion carried.

# MINUTES OF THE 3<sup>RD</sup> OF AUGUST 2023 MILLS PLANNING & ZONING BOARD MEETING

Chairman Norvell then asked Megan to present the next case on the agenda. Megan introduced case number 23.02 SKC, the SIPS Coffee Hut Site Plan.

**Background:**

The applicants propose to enter into a lease agreement with the City of Mills to operate a coffee shop on City owned property, legally described as the remainder of Block 54, Town of Mills, excluding highway right-of-way. The parcel is approximately 4,000 square feet and currently zoned EB (Established Business). The coffee hut structure will not be constructed on site and may be removed; however, the business will not be mobile and will be fixed to the site for the term of the lease.

Megan explained the review process for Site Plans and provided the following planning considerations:

**Planning Considerations:**

1. Enter into an approved Site Plan Agreement upon approval of the proposed Site Plan.
2. Submit a completed Site Plan Application
3. Section 17.12.010 – Required Parking
  - a. Revise the site plan to show space for five (5) spaces for stacking vehicles at each drive-up window.
  - b. No additional parking is required as there is no floor area used for assembly or seating.
  - c. The applicant may submit a waiver request, to be heard and acted on by the City Council, for a reduction of the number of required parking spaces.
4. Per WYDOT, no new access permits are required for the proposed use.
  - a. Applicant may not let traffic back up onto Wyoming Blvd. from Johnson Avenue.
5. Provide a summary table on the site plan that includes all general notes as required per item 21 of the Site Plan Application Checklist.
6. Label each item on the site plan to the corresponding requirement in the Site Plan Application Checklist.
7. Submit a pavement design report.
8. Submit a sign permit for any signage to be placed on the property.

**Staff Recommendation:** Staff recommends approval of the Site Plan pending completion of all planning considerations.

Chairman Norvell thanked Megan and asked if there were any questions from the Board. Board Member John Gudger stated that he had sent Megan and Sabrina a copy of the site plan with some revisions he wanted to suggest. These included revisions to the accesses/approaches and concerns

# MINUTES OF THE 3<sup>RD</sup> OF AUGUST 2023

## MILLS PLANNING & ZONING BOARD MEETING

about landscaping and the appearance of the parcel, especially with the City trying to develop the River Front area across the street.

Megan stated that she could not get Zoom to share her screen to display Board Member Gudger's site plan comments, however, upon review, she noted that he had proposed to move the existing approach onto Wyoming Blvd further to the east. She stated that based on her experience, it was highly unlikely that WYDOT would permit a new approach or allow the existing approach to be relocated. City Attorney Holscher concurred with Megan regarding WYDOT and the approach. He also stated that the City was not in a position to make improvements or infrastructure changes on the parcel. He stated that the City is merely trying to get some kind of use out of the property, with no intention of utilizing funds to make improvements.

There was general discussion regarding the queuing of cars at the drive-up windows and the potential for traffic backing up. Kaylynn Henson, the applicant, provided an overview of the proposed operations. She stated that one drive up window is solely for the pickup of mobile pre-orders. No one will be queuing up at that window because they will have already made their order and paid for it online, they are just picking it up. The window on the south side of the property would be for drive-up customers to make orders at the business.

There was further discussion from the Board regarding traffic control and the potential to make one exit a right-turn only. Ms. Henson stated that she did not object to that, however, she has coffee hut businesses in both Glenrock and Douglas that front onto busy streets, and she has never had any problems with traffic backing up or causing an issue. She stated that her business in Glenrock fronts right on Glenrock Highway.

Chairman Norvell asked if there were any comments from others in attendance. Bob Hubbard, the neighboring property owner, and his representatives provided comments. Kristen Carlson stated that she feels the size of the lot is too small and does not meet the zoning minimums. Rocky Carlson pointed out the site plan calls out 3,117 square feet and said that he spoke with a surveyor on the property one day a while back and that the surveyor said the lot was less than 4,000 square feet. Ms. Henson and her contractor, Brian Augustine, addressed this stating the surveyor was on the property to complete the site plan and that the area shown and stated on the site plan is for the developed area only.

Megan addressed the question to the Chairman stating that the EB (Established Business District) minimum lot size is 4,000 square feet. This is an odd parcel, as it was small to begin with and then a portion has been removed to accommodate the highway right of way. Megan stated that she believes the 3,117 square feet on the site plan shows the footprint of development for the coffee hut. In making her recommendation for the Site Plan application, she stated that she reviewed the site plan as well as the land records and Assessor Parcel data. Based on her research, the parcel is .09-acres, which is approximately 3,920 square feet and her application of Title 17 and the zoning regulations, she would consider the parcel meeting the required lot size for the EB district.

The Carlsons also stated that they felt the business was going to cause too much additional traffic on 6<sup>th</sup> Street. They stated that it is already difficult to make a turn onto Wyoming Blvd from 6<sup>th</sup> St.

# MINUTES OF THE 3<sup>RD</sup> OF AUGUST 2023

## MILLS PLANNING & ZONING BOARD MEETING

and that people in the area frequently take alternate routes so that they don't have to try to make a turn at that intersection. They also had concerns with cars backing up into the street and affecting surrounding residential property owners and businesses.

There was general discussion about traffic control and a suggestion to make both exits, onto 6<sup>th</sup> Street and Wyoming Blvd right turn only exits. Ms. Henson stated that the site of her business in Douglas is even smaller than this property and is also located on a busy road. She said she is surrounded by other businesses there as well and has never had an issue. City Attorney Holscher stated that the City has the ability to control the traffic and signage.

Board Member John Gudger asked Ms. Henson if her intent is to always have customers enter the drive-thru from Wyoming Blvd. She explained again that the north side, entering from Wyoming Blvd would be only for mobile pre-orders and the south side, entering from 6<sup>th</sup> Street would be for drive-up customers who need to place an order on site. Board Member Gudger clarified that there would be signage directing customers to the appropriate window. Ms. Henson stated that was correct.

There was further discussion between the board, the applicant, and the public in attendance regarding the potential for traffic to back up and where people would stop or park while they were waiting. The surrounding property owners suggested that traffic may start backing up on Johnson Avenue and out on to 6<sup>th</sup> Street. Megan suggested that the Board place a condition on the site plan that states the applicant must return for a review hearing in six or 12 months based on public comments or feedback as well as any potential impacts from the business.

Board Member Bob Greenley asked if WYDOT had been consulted and if they had any comments about the project. Megan stated that WYDOT had been consulted and had reviewed the proposed site plan. Their only comment had been to ensure that traffic did not back up onto Wyoming Blvd. Megan stated she could forward the correspondence from WYDOT if the Board desired to review it. Board Member Chris Volzke commented that he would agree with making the exit onto Wyoming Blvd from Johnson Avenue a right turn only, and asked if perhaps a traffic study could be completed.

Megan addressed the question and stated that the Board was well within their review authority to add considerations to the site plan recommendation to Council regarding traffic control. She went on to state that staff review ensures that the minimum requirements of the regulations are met and that considerations are added to ensure that effects of the new development are properly mitigated. Additional items that the Board thinks with help with mitigating the effects of the new development can always be added.

Board Member Chris Volzke also asked about landscaping potentially blocking the site triangle. Megan responded that the materials used in the landscaping plan are not set in stone and that the regulations allow a lot of flexibility in types of landscaping used. She stated that before the building can be occupied, City Staff would conduct a site inspection to ensure all considerations are met and that the appropriate materials have been placed correctly and will not block the site triangle for the intersection. Board Member John Gudger stated he felt it was very important to ensure the

# MINUTES OF THE 3<sup>RD</sup> OF AUGUST 2023 MILLS PLANNING & ZONING BOARD MEETING

site triangle was not impacted. He then made a motion to add a consideration to the case sheet to require that the site plan be revised to show the site triangle dimensions to ensure nothing is placed within the site triangle. Board Member Chris Volzke seconded. All voted in favor, motion carried.

Board Member Chris Volzke then made a motion to add a consideration to the case sheet that the exit on to Wyoming Blvd be a right-hand turn only. Board Member John Gudger seconded the motion. All voted in favor, motion carried.

Chairman Norvell then asked if there was any further discussion. Enoch Hart with Wyoming Signs, the neighboring property owner, wanted to state on record that as a neighboring property, he sees both sides and understands the concerns the other neighbors have. However, he is also an advocate for development in Mills and whether it be Ms. Henson, Mr. Hubbard or another business, he is in favor of seeing this lot being developed. He thinks that change can be a good thing and he is for development in Mills.

Chairman Norvell then called for a motion. Board Member Chris Volzke made a motion to provide the City Council with a “Do Pass” recommendation for the SIPS Coffee Hut site plan, with the two added considerations regarding the right-turn only onto Wyoming Blvd and adding the site triangle dimensions to the site plan. Board Member John Gudger seconded the motion. Members Volzke, Gudger, Smith and Norvell voted aye. Board Member Greenley abstained. Motion Carried.

With no further business, Chairman Norvell declared the meeting adjourned at 6:52 PM.

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Leon Norvell, Chairman

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Attested: Alyssa Hartmann



**CITY OF MILLS**  
EST. 1921

704 Fourth Street  
P.O. Box 789  
Mills, WY 82644

Phone: 307-234-6679  
Fax: 307-234-6528

Item #4.

## Memorandum

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**TO:** Mills City Council

**FROM:** Megan Nelms, AICP, City Planner

**DATE:** August 16, 2023

**SUBJECT: Off-Street Parking Waiver Request – SIPS Coffee Hut**  
Block 54, excluding HWY right-of-way, Town of Mills

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**Case Number:** 22.01 VAR

**Case Information & Background:** The applicants propose to enter into a lease agreement with the City of Mills to operate a coffee shop on City owned property. Due to the abnormal shape of the lot, surrounded on all sides by right-of-way, the applicant is requesting a reduction in the off-street parking requirements for Drive-Up Facilities for Eating and Drinking Establishments.

The subject site is an approximately 4000 sq. ft. parcel, legally described as the remainder of Block 54, Town of Mills, excluding HWY right-of-way. The applicants propose to place a drive-up only coffee hut with two (2) drive-up windows. One window is for ordering and payment, the other window is for pick up only through online pre-orders and payments.

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**Procedure:** Section 17.12.010 of the Land Development Regulations provides requirements for off-street parking. This use falls within the definition of Drive-Up Facilities for Eating and Drinking Establishments, which requires the site plan to show parking area for five (5) vehicles stacked at each drive-up window. Section 17.12.010 also provides for a waiver request to be submitted for consideration by City Council for a reduction in the number of off-street parking spaces required.

The applicant has submitted a waiver request to reduce the number of required parking spaces from five (5) vehicles stacked at each drive-up window to two (2) vehicles stacked at each drive-up window.



# CITY OF MILLS

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Section 17.12.010 states that the City Council shall make the final determination as to the number of spaces required for off-street parking and may approve, modify or deny all waiver requests. Requests for reduction of off-street parking requirements shall be considered on the basis of use, number of employees, availability of on-street parking or shared parking with adjacent property owners.

A hearing is not required, however, notice as required per the Section was provided to surrounding property owners within 140' of the subject property of the meeting time and place where this waiver will be considered.

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**Staff Recommendation:** The parcel proposed for the SIPS Coffee Hut is unique and has features which limit the potential uses which could occur. It is smaller than the neighboring lots on adjacent blocks, irregularly shaped and surrounded on all sides by right-of-way.

Per the Commercial Site Plan Review, planning considerations have been added for traffic control which will adequately mitigate traffic impacts from the proposed use. With the adjacent right-of-ways, except for Wyoming Blvd., there is adequate off-street parking available should it be needed during the busiest hours for the coffee hut business.

The applicant has stated that, based on experience with other business locations, area for five (5) vehicles at each drive-up window is onerous and unnecessary. The plan to utilize one drive-up window solely for pre-ordered items will also mitigate the need to have space for five vehicles at the window.

Based on the uniqueness of the lot, information provided by the applicant regarding business wait times and parking area needs, and availability of nearby on-street parking, staff recommends APPROVAL of the off-street parking waiver reduction request from five (5) stacked vehicle spaces at each drive-up window to two (2) stacked vehicle spaces at each drive-up window.

To whom it may concern:

I (Kaylynn), am requesting a waiver to the off-street parking requirements for drive up facilities for eating and drinking establishments.

Per that section, I have been advised that there is a requirement for spaces for five stacking vehicles at each of the drive up windows. My facility is planned to have 2 drive up windows. While I believe the lot and space is more than adequate for my business, the requirement to have area for 5 vehicles waiting at each window is unnecessary for our business. One side of my establishment will be used for mobile orders, meaning the order is placed on our app and ready for pickup. The other side will be for those who choose to order at the window, and wait. Our mobile window at both of my other locations is pretty quick if not instant by the time someone arrives. With that being said, we won't need room for more than two or three cars 99% of the time. Most of the time, Glenrock location has about 2 cars in line on the drive up side, while our Douglas location has about 4. I don't believe this location will be busier than our Douglas location. With that being said, the 5 car allowance won't be needed since the wait time is so short. Now, we do have busy times in the mornings and I unfortunately cannot say with certainty there won't ever be more than those numbers for cars. However, if there is more than that amount, I can say with 100% certainty that there is adequate on-street parking of 6th street or Johnson Avenue for the short time people would be waiting in line.

Our wait time is an average of 3 minutes a drink. That is from the time the order is placed to the time they are leaving!

The lot that we are talking about is also very unique in the aspect that there are three streets (Johnson, 6th, and Wyoming Blvd) that would make it impossible for any business coming in to create space for 10 stacked vehicles. Fortunately for us, we will not need this!

Please call or email me with any questions you may have.

Kaylynn Henson  
Sips Coffee Company LLC  
307-267-0443  
kaylynn@sipscoffeecollc.com



# SIPS Coffee Hut – Aerial Exhibit



Mills Zoning Districts	
Mills, DB	Mills, ER: Established Residential
Mills, DI: Developing Industrial	Mills, PLI: Public Land Institutions
Mills, DMH: Developing Mobile Home	Mills, PUD: Planned Urban Development
Mills, DR: Developing Residential	Mills, MSR: Mixed Sized Residential
Mills, EB: Established Buisness	Mills, MU: Mixed Use
Mills, EI: Established Industrial	Mills, UA: Urban Agriculture
	Mills, UR: Urban Agriculture Residential



# CITY OF MILLS

EST. 1921

704 Fourth Street  
P.O. Box 789  
Mills, WY 82644

Phone: 307-234-6679  
Fax: 307-234-6528

August 11, 2023

Cory Kessel  
PO Box 1172  
Mills, WY 82644

RE: SIPS Coffee - Off-Street Parking Waiver Request  
Legal Description: Remainder of Block 54, excluding Hwy ROW, Town of Mills

Dear Neighboring Landowner:

I would like to inform you of a proposed off-street parking waiver request in your area. If you should have any concerns or comments, you are invited to attend the following City Council meeting, where the request will be reviewed and acted on by the Mills City Council:

The Mills City Council will review the off-street parking waiver request at their meeting on Tuesday, August 22, 2023, at 7:00 P.M. in the Council Chambers at City Hall, 704 4<sup>th</sup> Street, Mills, Wyoming.

The request is to reduce the off-street parking requirement for drive-up facilities for eating and drinking establishments from five (5) vehicles stacked at each drive-up window to two (2) vehicles stacked at each drive-up window. The attached aerial photo shows the proposed property location highlighted in orange.

If you are unable to attend the meeting and have any comments regarding this proposal, you may send a signed letter or fax to the City Clerk's Office no later than 5:00 P.M. on August 21, 2023, and it will be forwarded to the Council on your behalf. Please do not hesitate to contact me at (307) 632-5656 if you have any questions.

Sincerely,

Megan Nelms, AICP  
City Planner

Enclosure

<b>Name</b>	<b>Address</b>	<b>City</b>	<b>State</b>	<b>Zip</b>
Philip & Jody Schmidt Living Trust	3911 Otter	Casper	WY	82604
North Piney Investments LLP	4350 Wolf Creek Rd	Casper	WY	82604
Robert Hubbard	PO Box 670	Mills	WY	82644
Cory Kessel	PO Box 1172	Mills	WY	82644



# MINUTES OF THE 3<sup>RD</sup> OF AUGUST 2023 MILLS PLANNING & ZONING BOARD MEETING

**Board Members Present:** Bob Greenley, Leon Norvell, Dale Smith and Chris Volzke were all present for this P&Z Meeting. Board Member John Gudger was present via telephone.

**City Staff in Attendance:** Megan Nelms, City Planner, via teleconference, Kevin O’Hearn, Building Official, Sabrina Kemper, Community Development Director, Patrick Holscher, City Attorney, Leah Juarez, Mayor.

**Others in Attendance:** Remy Larson, Mary Larson, Dennis Bond, Ken Sthele, Mary McMillan, Enoch Hart, Kellee Schuerman, Pamela Bowen, Vicki Jammerman, Robert Creason, Melissa Kobernick, Rocky Carlson, Kristen Carlson, Bob Hubbard, Sam McNare, Dell Johnston.

Chairman Leon Norvell called the meeting to order at 5:03 PM on August 6, 2023, as a quorum was present.

Chairman Norvell asked board members if everyone had read the minutes of the July 6, 2023, P&Z Board meeting and if there were any noted changes. There were none. Board Member Bob Greenley made a motion to approve the minutes. Chris Volzke seconded the motion. Chairman Norvell called for a vote to pass the minutes of the July 6, 2023, P&Z meeting. All ayes, motion passed.

Chairman Norvell asked Megan to present the first agenda item. Megan introduced case number 23.03 COZ, the Downtown Commercial River Front Corridor District rezoning proposal.

**Background:**

The City of Mills is proposing to rezone certain lots and blocks within the original Mills townsite from ER (Established Residential District) and MU (Mixed Use District) to EB (Established Business District) to further implement the goals outlined in the 2017 Comprehensive Plan and the 2016 River Front Concept Development Plan, which include creation of a downtown district within the City of Mills, as well as development of the Downtown Riverfront Corridor. Megan provided the legal descriptions and proposed zoning for the properties included in the rezoning proposal. She stated that letters had been sent out to all property owners, as well as surrounding properties within 140’ of the properties being rezoned.

# MINUTES OF THE 3<sup>RD</sup> OF AUGUST 2023 MILLS PLANNING & ZONING BOARD MEETING

Legal Description	Current Zoning District	Proposed Zoning District
Lots 9-16, Block 49, Town of Mills	ER (Established Residential)	EB (Established Business)
Lots 4-12, Block 44, Town of Mills	MU (Mixed Use)	EB (Established Business)
Lots 1-14, Block 45 excluding ROW, Town of Mills	MU (Mixed Use)	EB (Established Business)
Lot 3-7, Block 55, Town of Mills	MU (Mixed Use)	EB (Established Business)
Lots 8-11, Block 55 excluding ROW, Town of Mills	ER (Established Residential)	PLI (Public Land – Institutions)

She explained that currently, there are varying uses on the properties proposed for rezoning. These include single family residences, mobile homes, and a (4)-unit multi-family complex. There are also several vacant parcels. She stated that the average lot size for all parcels included in the rezoning is 5,600 square feet, however, many properties are multiple lots owned by the same entity, essentially creating larger “tax parcels.” The current minimum lot size in the EB District is 4,000 square feet.

Megan provided information regarding the City’s Comprehensive Plan and Future Land Use Map and said that the Future Land Use Map designates this area as Commercial use and therefore the proposed re-zoning is in accordance with the future land use map. She also stated that implementation actions identified in the 2017 Comprehensive Plan, include, “Develop a unique downtown destination for residents and visitors to gather and celebrate the community” and “Define and establish a specific Downtown Riverfront Corridor District...with guidelines for future commercial development.”

Megan summarized the proposal and said that all future development would be subject to the EB (Established Business) zoning district requirements and that staff recommends approval of the proposed rezoning.

Chairman Norvell thanked Megan and asked if there were any questions from the Board.

Board Member Volzke asked Megan about the continuation of current uses on the property and what this rezoning would change if anything. Megan stated that the rezoning changes nothing except the zoning designation of the property. No one is being required to move or change the use of their property. She stated that if they are living in their house now and wish to continue to do that, no one will prevent that. The uses on the parcels will become “permitted non-conforming uses”. The current use of the property may continue in perpetuity until a substantial change is proposed. A substantial change would be a change in use, such as starting a new business on the

# MINUTES OF THE 3<sup>RD</sup> OF AUGUST 2023

## MILLS PLANNING & ZONING BOARD MEETING

property, or, for instance, removing a manufactured home and not replacing it within the time specified in Title 17, or a desire to physically alter the existing structure on the property.

There was a question from the public about constructing a shop on a property. Megan asked if it would be accessory to an existing residential home or use, or if it would be stand alone. There was general discussion about the ability to construct an accessory garage for an existing residence in the EB District versus constructing a stand-alone shop. Megan stated that if the shop building was to be used for commercial business; that would be a permitted use in the EB District. She stated that it would be best to have an actual application or proposal to make specific recommendations or decisions on instead of “what-if” scenarios but said that she believes the City is willing to work with property owners in the area as the Downtown River Front Corridor develops into the future.

There was a question from the public regarding the removal of mobile homes from the parcels. Megan stated that mobile homes are not permitted in the EB District. As existing non-conforming uses, per Title 17, an owner would have 180 days to replace a mobile home removed from the lot. If the home was not replaced within that time frame, the use would cease, and a mobile home would not be allowed to be placed back on the lot. There was general discussion about rented mobile homes and it was explained that renters are at the mercy of the landlord, regardless of whether the property is rezoned. The landlord/property owner is the one responsible for ensuring the non-conforming use status is maintained or if homes are removed from properties.

The next question asked by the public was regarding structures destroyed or damaged by fire or other “acts of God.” Megan stated that Title 17 already provides for this, and additional time is given to reconstruct buildings affected. She read aloud the applicable section, stating that in that situation, an owner has six months to begin construction and have up to 17 months to complete it. Board Member John Gudger inquired about adjacent residential uses and how they might be affected by the commercial redevelopment in this area of Mills, which has traditionally been residential in nature. Megan stated that the City is currently working on amendments to Title 17, which will include buffering standards. Those standards will be used to mitigate the impacts of adjacent land and will have provisions for preventing incompatible uses being adjacent to one another.

Board Member John Gudger also asked about lighting, stating that lighting from commercial and industrial uses around Mills affecting residential landowners has been an issue in the past. Megan stated that lighting standards will also be included in the upcoming Title 17 amendments and will include provisions such as ensuring that lighting is shielded and does not shine off the property.

Chairman Norvell then asked if there was any further discussion. There was none so he called for a motion. Board Member Chris Volzke made a motion to provide the City Council with a “Do Pass” recommendation for the Downtown Commercial River Front Corridor District re-zoning proposal. Board Member John Gudger seconded the motion. All voted in favor, motion carried.

# MINUTES OF THE 3<sup>RD</sup> OF AUGUST 2023 MILLS PLANNING & ZONING BOARD MEETING

Chairman Norvell then asked Megan to present the next case on the agenda. Megan introduced case number 23.02 SKC, the SIPS Coffee Hut Site Plan.

**Background:**

The applicants propose to enter into a lease agreement with the City of Mills to operate a coffee shop on City owned property, legally described as the remainder of Block 54, Town of Mills, excluding highway right-of-way. The parcel is approximately 4,000 square feet and currently zoned EB (Established Business). The coffee hut structure will not be constructed on site and may be removed; however, the business will not be mobile and will be fixed to the site for the term of the lease.

Megan explained the review process for Site Plans and provided the following planning considerations:

**Planning Considerations:**

1. Enter into an approved Site Plan Agreement upon approval of the proposed Site Plan.
2. Submit a completed Site Plan Application
3. Section 17.12.010 – Required Parking
  - a. Revise the site plan to show space for five (5) spaces for stacking vehicles at each drive-up window.
  - b. No additional parking is required as there is no floor area used for assembly or seating.
  - c. The applicant may submit a waiver request, to be heard and acted on by the City Council, for a reduction of the number of required parking spaces.
4. Per WYDOT, no new access permits are required for the proposed use.
  - a. Applicant may not let traffic back up onto Wyoming Blvd. from Johnson Avenue.
5. Provide a summary table on the site plan that includes all general notes as required per item 21 of the Site Plan Application Checklist.
6. Label each item on the site plan to the corresponding requirement in the Site Plan Application Checklist.
7. Submit a pavement design report.
8. Submit a sign permit for any signage to be placed on the property.

**Staff Recommendation:** Staff recommends approval of the Site Plan pending completion of all planning considerations.

Chairman Norvell thanked Megan and asked if there were any questions from the Board. Board Member John Gudger stated that he had sent Megan and Sabrina a copy of the site plan with some revisions he wanted to suggest. These included revisions to the accesses/approaches and concerns

# MINUTES OF THE 3<sup>RD</sup> OF AUGUST 2023

## MILLS PLANNING & ZONING BOARD MEETING

about landscaping and the appearance of the parcel, especially with the City trying to develop the River Front area across the street.

Megan stated that she could not get Zoom to share her screen to display Board Member Gudger’s site plan comments, however, upon review, she noted that he had proposed to move the existing approach onto Wyoming Blvd further to the east. She stated that based on her experience, it was highly unlikely that WYDOT would permit a new approach or allow the existing approach to be relocated. City Attorney Holscher concurred with Megan regarding WYDOT and the approach. He also stated that the City was not in a position to make improvements or infrastructure changes on the parcel. He stated that the City is merely trying to get some kind of use out of the property, with no intention of utilizing funds to make improvements.

There was general discussion regarding the queuing of cars at the drive-up windows and the potential for traffic backing up. Kaylynn Henson, the applicant, provided an overview of the proposed operations. She stated that one drive up window is solely for the pickup of mobile pre-orders. No one will be queuing up at that window because they will have already made their order and paid for it online, they are just picking it up. The window on the south side of the property would be for drive-up customers to make orders at the business.

There was further discussion from the Board regarding traffic control and the potential to make one exit a right-turn only. Ms. Henson stated that she did not object to that, however, she has coffee hut businesses in both Glenrock and Douglas that front onto busy streets, and she has never had any problems with traffic backing up or causing an issue. She stated that her business in Glenrock fronts right on Glenrock Highway.

Chairman Norvell asked if there were any comments from others in attendance. Bob Hubbard, the neighboring property owner, and his representatives provided comments. Kristen Carlson stated that she feels the size of the lot is too small and does not meet the zoning minimums. Rocky Carlson pointed out the site plan calls out 3,117 square feet and said that he spoke with a surveyor on the property one day a while back and that the surveyor said the lot was less than 4,000 square feet. Ms. Henson and her contractor, Brian Augustine, addressed this stating the surveyor was on the property to complete the site plan and that the area shown and stated on the site plan is for the developed area only.

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The Carlsons also stated that they felt the business was going to cause too much additional traffic on 6<sup>th</sup> Street. They stated that it is already difficult to make a turn onto Wyoming Blvd from 6<sup>th</sup> St.



# MINUTES OF THE 3<sup>RD</sup> OF AUGUST 2023

## MILLS PLANNING & ZONING BOARD MEETING

and that people in the area frequently take alternate routes so that they don't have to try to make a turn at that intersection. They also had concerns with cars backing up into the street and affecting surrounding residential property owners and businesses.

There was general discussion about traffic control and a suggestion to make both exits, onto 6<sup>th</sup> Street and Wyoming Blvd right turn only exits. Ms. Henson stated that the site of her business in Douglas is even smaller than this property and is also located on a busy road. She said she is surrounded by other businesses there as well and has never had an issue. City Attorney Holscher stated that the City has the ability to control the traffic and signage.

Board Member John Gudger asked Ms. Henson if her intent is to always have customers enter the drive-thru from Wyoming Blvd. She explained again that the north side, entering from Wyoming Blvd would be only for mobile pre-orders and the south side, entering from 6<sup>th</sup> Street would be for drive-up customers who need to place an order on site. Board Member Gudger clarified that there would be signage directing customers to the appropriate window. Ms. Henson stated that was correct.

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Board Member Bob Greenley asked if WYDOT had been consulted and if they had any comments about the project. Megan stated that WYDOT had been consulted and had reviewed the proposed site plan. Their only comment had been to ensure that traffic did not back up onto Wyoming Blvd. Megan stated she could forward the correspondence from WYDOT if the Board desired to review it. Board Member Chris Volzke commented that he would agree with making the exit onto Wyoming Blvd from Johnson Avenue a right turn only, and asked if perhaps a traffic study could be completed.

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Board Member Chris Volzke also asked about landscaping potentially blocking the site triangle. Megan responded that the materials used in the landscaping plan are not set in stone and that the regulations allow a lot of flexibility in types of landscaping used. She stated that before the building can be occupied, City Staff would conduct a site inspection to ensure all considerations are met and that the appropriate materials have been placed correctly and will not block the site triangle for the intersection. Board Member John Gudger stated he felt it was very important to ensure the

# MINUTES OF THE 3<sup>RD</sup> OF AUGUST 2023 MILLS PLANNING & ZONING BOARD MEETING

site triangle was not impacted. He then made a motion to add a consideration to the case sheet to require that the site plan be revised to show the site triangle dimensions to ensure nothing is placed within the site triangle. Board Member Chris Volzke seconded. All voted in favor, motion carried.

Board Member Chris Volzke then made a motion to add a consideration to the case sheet that the exit on to Wyoming Blvd be a right-hand turn only. Board Member John Gudger seconded the motion. All voted in favor, motion carried.

Chairman Norvell then asked if there was any further discussion. Enoch Hart with Wyoming Signs, the neighboring property owner, wanted to state on record that as a neighboring property, he sees both sides and understands the concerns the other neighbors have. However, he is also an advocate for development in Mills and whether it be Ms. Henson, Mr. Hubbard or another business, he is in favor of seeing this lot being developed. He thinks that change can be a good thing and he is for development in Mills.

Chairman Norvell then called for a motion. Board Member Chris Volzke made a motion to provide the City Council with a “Do Pass” recommendation for the SIPS Coffee Hut site plan, with the two added considerations regarding the right-turn only onto Wyoming Blvd and adding the site triangle dimensions to the site plan. Board Member John Gudger seconded the motion. Members Volzke, Gudger, Smith and Norvell voted aye. Board Member Greenley abstained. Motion Carried.

With no further business, Chairman Norvell declared the meeting adjourned at 6:52 PM.

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Leon Norvell, Chairman

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Attested: Alyssa Hartmann

**MEMORANDUM OF UNDERSTANDING BETWEEN CITY OF MILLS, WYOMING AND BAR NUNN, WYOMING CONCERNING BRUSH TRUCK**

**THIS MEMORANDUM OF UNDERSTANDING** is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2023, by and between the CITY OF MILLS, WYOMING, a municipal corporation and TOWN OF BAR NUNN, WYOMING.

**RECITALS**

**WHEREAS**, The City of Mills, Wyoming and Town of Bar Nunn, Wyoming each operate fire departments within Town of Bar Nunn, Wyoming; and

**WHEREAS**, The two fire departments provide mutual assistance to each other as needed; and

**WHEREAS**, The City of Mills presently has a brush truck which is idled due to mechanical issues and is not capable of being deployed; and

**WHEREAS**, The Town of Bar Nunn has sufficient brush trucks for its needs and is capable of providing a reserve brush truck to the City of Mills on a temporary basis; and

**WHEREAS**, Covering fire suppression and fire fighting requirements in both municipalities is in their common interest;

**NOW, THEREFORE**, in consideration of the mutual terms and conditions set forth below, the parties agree as follows:

**AGREEMENT**

**Section 1. Provision of Reserve Brush Truck**

A. The Town of Bar Nunn shall provide to the City of Mills, for the terms and conditions contained herein, a reserve brush truck, the same being 2003 Ford F550 TYPE 6 brush truck VIN: 1FDAW57P23EC66190 (“brush truck”), from the date of execution of this Agreement through the end of November 2023, unless this Agreement is terminated earlier.

B. The City of Mills shall keep the brush truck at its fire station in Mills, Wyoming, during this Agreement.

C. The City of Mills shall be responsible for ordinary maintenance of the truck while it is in its possession, and all ordinary costs associated its operation, but shall not be responsible for latent defects or conditions in the truck which preexisted its being provided.

D. The City of Mills shall be responsible for loss of the truck or damage to the truck which arises due to use by the City of Mills.

**Section 2. Fees for Use**

The City of Mills shall pay to Bar Nunn the Federal fire rate of \$100/hour any time the truck is called into use by the City of Mills, with there being a two hour minimum (\$200.00) when it is called into such use, provided, however, that if the use is within the corporate boundaries of the Town of Bar Nunn there shall be no fee for the use.

**Section 3. Risk of Loss and Indemnification**

The City of Mills shall indemnify and hold harmless the Town of Bar Nunn for any claims, demands, or losses that arise due to the City of Mills' use of the brush truck.

**Section 4. Early Termination of this Agreement.**

Either party to this Agreement may terminate it prior to its expiration by providing seven days' notice to the other party.

**Section 5. Jurisdiction and Venue**

All suits concerning this Agreement or the activities to be conducted thereunder, may only be brought in the Seventh Judicial District, State of Wyoming.

The parties agree that the law of the State of Wyoming shall apply to this Agreement and the anticipated lease.

**Section 6. Survival Clause**

Should any provision of this agreement be struck by a court of law, all remaining provisions shall continue to be fully operable.

**Section 7. Authorization**

The parties to this agreement warrant that they have the agreement, agree to its terms, and are authorized to enter into this agreement.

**Section 8. No waiver of sovereign immunity**

Neither party to this agreement shall be deemed to have waived its sovereign immunity by entering into this Agreement.

Entered into this \_\_\_\_ day of \_\_\_\_\_, 2023.

CITY OF MILLS, WYOMING,

By: \_\_\_\_\_

TOWN OF BAR NUNN, WYOMING

By: \_\_\_\_\_