



## REGULAR TOWN HALL MEETING

January 28<sup>th</sup>, 2020

Meeting called to order by Mayor Coleman at 7:00PM

**Present:** Mayor Coleman, Councilman Ives, Councilman McCarthy, Councilman Wales  
Councilman Hollander,

Pledge of Allegiance:

Approval of the Meeting Minutes from January 14<sup>th</sup>, 2020

Councilman Wales made the motion to approve the meeting minutes from January 14<sup>th</sup>, 2020.  
Councilman Ives seconded. All Ayes Motion carried.

Contested Hearing of the Suspension of MADFAB Liquor License:

Mayor closed the Regular Council Meeting at 7:01pm and opened the Contested Hearing at 7:01pm.

Mayor opened this hearing concerning the suspension of MADFAB liquor license. Mayor read his opening statement. The statement is as follows:

We are now going to adjourn the Town Council Meeting to hold a hearing on the Suspension of the MADFAB liquor license pursuant to Wyoming Statute Section 12-7-103, a section of Title 12 of the Wyoming Statutes entitled "Suspension of license by licensing authorities for failure to pay sales tax".

This hearing will be conducted as a contested case hearing. The order of the hearing shall be as follows. The Town may present a brief opening of not more than five minutes on the case and the evidence it shall be presenting. The liquor license holder may present a brief opening of not more than five minutes on the case and the evidence it shall be presenting, or the liquor license holder may reserve its opening until after the Town presents its evidence. The Town will present its evidence first. After the Town concludes, the license holder shall present its evidence. Following the presentation of evidence, the Town will summarize the action it is requesting in a summation of not more than five minutes in length. The license holder may then summarize the action it desires in a summation of not more than five minutes in length. No rebuttal summation shall be presented by the Town. Following summations, the Town Council will be presented with the question by way of a motion on whether to suspend the aforementioned liquor license under WS 12-7-103.

At this point the Town's attorney is asked to read the text of WS 12-7-013 and he read it to the Town Council.

We will now proceed with the hearing. The Town Attorney stated that the Town has been informed from the State Liquor Division and the Department of Revenue of a delinquency in the sales tax that has not been paid that has been referenced in the statute, and inform the Town that it may suspend the liquor license for MADFAB Holdings LLC. As a contested case this is an event dentry hearing, in a normal case the attorney would be in a courtroom like we are and present its case and call witness. The attorney is asking the Council to waive that right and just present from the table. The Mayor stated that would be ok. Our sole witness is the Town Clerk Christine Trumbull, and I will call her as a witness. The Town attorney asked Christine Trumbull have you been provided from the state of Wyoming the MADFAB is delinquent on the sales tax. Christine replied yes she has. The Town attorney then asked how you were provided notice. Christine stated that she was provided by email. The Town attorney then stated that you also provided with a letter in the email. Christine stated again yes there was a letter in the email. The Town attorney asked when it was dated. Christine stated it was dated December 30<sup>th</sup>, 2019. The attorney showed Christine a copy of the letter and asked if this was the letter that was in the email. Christine stated yes again. The attorney asked if Christine was provided a payoff amount owed to the state. Christine stated that on Jan 9<sup>th</sup>, 2020, she contacted the Department of Revenue to get an amount that was owing. The attorney then stated when you have most recently sought information on this matter. Christine replied today. The Town attorney asked what your findings were. Christine stated that they are still delinquent and have not paid the sales tax. The Town attorney stated that he will now move to publish the exhibits to the Council so they can see that the matters have been received by the town. The Town attorney gave the exhibits to the Council. The Town attorney then asked Mrs. Trumbull if she provided notice to MADFAB of the hearing we are having tonight. Mrs. Trumbull replied that on January 2<sup>nd</sup>, 2020 she had sent out a letter certified mail and she replied that she got the letter back on the 27<sup>th</sup> of January 2020 that they did not claim it. The Town attorney thanked Christine and said that this

concludes the evidence of the town and at this point. If there is anybody that wishes to speak in favor for MADFAB Holdings you may do so at this time. Mayor asked if there was anyone that was present to speak for MADFAB. Mayor stated let the record show that no one was present to speak for MADFAB. The Town attorney stated that we will simply close by noting that we have satisfied the burden necessary in order for the Town Council to suspend MADFAB license; but we would note that this is a suspension not a revocation. If MADFAB becomes current with the State of Wyoming and they informs us of that, we will take the appreciate necessary actions to bring their license back into operation. This event is not the first notice from the State that MADFAB has failed to pay sales tax. The Council is entitled to way the past acts of the liquor license holder in your deliberations or you are free to ignore it if you wish. The Town would ask given the serious natural of the liquor license and the duty of the holders to maintain them, that this liquor license be suspended until the liquor license holder becomes current with the State.

The town should ask for a motion within in this contested case hearing to suspend MADFAB liquor license pursuant to 12-7-103 of the state statues to such time that they become current with their obligations with the State.

Mayor asked for a motion to suspend MADFAB license. Councilman McCarthy made the motion to suspend the liquor license of MADFAB. Councilman Hollander seconded. Mayor asked any discussion. Councilman Wales asked how long the will the suspension stay in order until it is revoked. The Town attorney stated 12-7-103, the suspension will stay in effect until they pay their sales tax to the State. The liquor division then will contact the town that they are current. Then it will remain in suspension until the town has the ability to act upon that information. If they become current before the next council meeting we will take it up at the next council meeting, and take it back out of suspension. The license remains a good and valid license it is just under suspension. So MADFAB holds the license for the same period of time they would annually in any event. If their licensee was still in suspension in Oct when they are all up for renewal the town council would be present with what to do at that time. MADFAB holds the license they just cannot sell alcohol while it is under suspension. If they choose to sell their business with the license they are allowed to do that. If that occurred they would have to send a letter to the town of the transaction and ask for a transfer. But first the debit to the state needs to be satisfied before any transaction can happen. Christine asked the town attorney that when it is time to renew she has to post notice of public hearing would I have to post something on Bids Place door about being suspended. It would be the regular posting that we would always to do. Mayor asked is there any other further discussion. How does council vote on this matter. All Ayes-Motion carried. MADFAB license is suspended.

Mayor closed the contested case hearing at 7:15pm

Mayor opened the Town Council Meeting at 7:15pm

The Town attorney wanted to Council to note in the regular meeting that the liquor license for MADFAB has been suspended and authorizing an agent of the town to provide notice to MADFAB Holding by certified mail and in person.

Mayor asked for a motion to what the town attorney had asked the council to state that MADFAB liquor license is suspended and an agent of the town will provide notice to them by certified mail and in person.

Councilman Hollander made the motion that MADFAB liquor license is suspended and an agent of the town will provide notice to them by certified mail and in person. Councilman Ives seconded. All Ayes-Motion carried.

**New Business Licenses:** Four new Business and Contractor license are as follows.

Best Choice Construction, Taylor Consulting & Construction, Total Concrete Works, Wired Electric.

Councilman Wales made the motion to approve the four new business and contractors licenses. Councilman Ives seconded. Councilman McCarthy asked if Best Choice could be a separate vote from the others up for approval. Councilman Hollander made the motion for Best Choice not to be a part of the approval process for new business and contractor licenses. Councilman Wales seconded. All Ayes-Motion carried.

Councilman Wales made the motion to approve Taylor Consulting & Construction, Total Concrete Works, and Wired Electric. Councilman Hollander seconded. All Ayes-Motion carried.

Councilman McCarthy asked for a motion for Best Choice not to be approved for their license. Councilman Ives seconded. The Town Attorney, Pat Holscher asked Kevin the Building Inspector if has seen his application? Kevin has not. He knows that Best Choice has a license with Natrona County and the City of Casper. Kevin has not seen any building permits for Best Choice. The Town Attorney as the Town Clerk if she has any documentation for Best Choice. Christine Trumbull, the Town Clerk handed over the contractor license that the town issues to be filled out. Best choice has it all filled out and also provided a copy of their City of Casper and Natrona County license. They also had proof of liability insurance. The Town Attorney stated to council that Best Choice has satisfied the requirements and there is no reason why this license should be declined. The Building Inspector Kevin stated that he has not seen any of his work and has not seen any building permits listed under Best Choice Construction. Kevin also stated that as long as they are following the 2018 building codes they should be fine. Best Choice owner used to work under Stonecrest Construction. Councilman McCarthy has had this company work on projects in her house and she is not happy with their work. Kevin again stated that he has not approved any permits for them to work in the town on any projects. Mayor asked how does council vote. There were 4 ayes, and Councilman McCarthy voted nay. Motion carried.

**Renewal Business Licenses:** 12 Business for renewal as follows:

Arrowhead Heating & Air Conditioning, Daylight Donuts, Ernie's Storage, Hicks Plumbing, Industrial Lining Systems, Lifetime Insulation, Norco, Oil Capital Tree Service, Parkinson Concrete, Prairie Wing Builders, Slee Enterprises Quality Masonry, Westside Mobile Home Court.

Councilman Wales made the motion to approve the twelve business up for renewal. Councilman Hollander seconded. All Ayes-Motion carried.

**Ordinance 738: Second Reading:** An Ordinance Repealing the Existing Title 9 of the Mills Municipal Code Dealing with General Offenses and Replacing It, In Its Entirety with a new Chapter 9 Dealing with General Offenses.

Councilman Ives made the motion to approve Ordinance 738 on second reading. Councilman McCarthy seconded. All Ayes Motion carried.

**Ordinance 739: Second Reading; Title 6:** An Ordinance Repealing the Existing Title 6 of the Mills Municipal Code Dealing with Animals and Replacing It In Its Entirety, with A New Chapter 6 Dealing with Animals.

Councilman Wales made the motion to approve Ordinance 739 on second reading. Councilman Hollander seconded. All Ayes-Motion carried.

**Ordinance 740: Second Reading; Title 10:** An Ordinance Repealing The Existing Title 10 of the Mills Municipal code Dealing With Vehicles and Traffic and Replacing it , In Its Entirety, with A New Chapter 10 Dealing With Vehicles and Traffic.

Councilman Wales asked if he could discuss this title. Mayor stated if we could get back to order of the meeting and ask after the motions are made.

Councilman Wales made the motion to approve Ordinance 740 on second reading. Councilman McCarthy seconded. Councilman Wales stated that he did not see in this chapter anything about unlicensed vehicles. He wanted to know how many a person can have on their property. Scott Radded that issue is in title 17, under private property. Each property owner is allowed to have one unlicensed vehicle on their property. Town Clerk Christine Trumbull will send out the zoning ordinance to all council members to review. Mayor asked how does council vote, All Ayes-Motion carried.

**Resolution 2020-2: A Resolution Authorizing the Mayor to Sign Documents for Current Town Projects.**

Councilman Ives made the motion to approve Resolution 2020-2. Councilman McCarthy seconded. All Ayes-Motion carried.

**Approve the Payroll Reports and Expenditures:**

- **Fire Employees:** 1-5-2020 to 1-16-2020.....\$12,517.39
  
- **Town Employee** 1-6-2020 to 1-19-2020.....\$96,708.07

Councilman Wales made the motion to approve the payroll reports for the fire and town employees. Councilman Hollander seconded. All Ayes-Motion carried.

**Pay Bills on Voucher List and the Petty Cash Report and approve the voided and manual Checks:**

- **Petty Cash:** .....\$0.00
- **Vouchers:** .....\$320,749.74
- **Manual Checks:** .....
  - Town.....\$18,750.50
  - Court.....\$2,115.00
- **Voided:** .....\$95.00

Councilman McCarthy made the motion to approve the vouchers, and petty cash report and approve the voided and manual checks. Councilman Ives seconded. All Ayes- Motion carried.

**Council Authorizes the Mayor to Sign the Grant Request for Grizzly Excavating for the Pay Estimate #1 for the Water Line Replacement.**

Councilman Wales made the motion for the Mayor to sign the grant request for Grizzly Excavating for the Pay Estimate #1 for the Water Line Replacement. Councilman McCarthy seconded. All Ayes-Motion carried.

**Council Authorizes the Mayor to Sign the Approval Sheet for the Finished Water Storage Tank Grant from the Wyoming Business Council.**

Councilman Ives made the motion for the Mayor to sign the approval sheet for the Finished Water Storage Tank Grant. Councilman Hollander seconded. All Ayes-Motion carried.

**Council Approval of the December 2019 Bank Reconciliation Report.**



Councilman McCarthy made the motion to approve the December 2019 Bank Reconciliation Report. Councilman Ives seconded. All Ayes-Motion carried.

**Council Approval of the November 2019 and December 2019 Court Income Report.**

Councilman McCarthy made the motion to approve the November 2019 and the December 2019 Court Income Report. Councilman Ives seconded. All Ayes-Motion carried.

**Mayor to Appoint Ed Greenwood and Bob Greenley for Another Two Year Term Beginning January 1<sup>st</sup>, 2020 and Ending on December 31<sup>st</sup>, 2022.**

Mayor asked for a motion to pass **Resolution 2020-3** to appoint the Ed Greenwood and Bob Greenley to another Two Year Term. Councilman Wales made the motion to pass Resolution 2020-3. Councilman McCarthy seconded. All Ayes-motion carried.

**Executive Session: Personnel Issue:**

Mayor asked for a motion to go into executive session for a personnel issue. Councilman Wales made the motion to go into executive session at 7:34pm for a personnel issue. Councilman Hollander seconded. All Ayes-Motion carried.

Back from Executive Session at 7:45pm. Town Attorney Pat Holscher read the action to be taken. The motion to authorize the Mayor to enter into discussion with the Mills Fire Union for the next contract which would be for the 2020-2021 contract.

Councilman McCarthy made the motion authorizing the Mayor to enter into discussion with the Mills Fire Union for the 2020 2021 contract. Councilman Wales Seconded. All Ayes-Motion carried.

**Open Discussion:**

Mayor stated that Fire Chief Dave North held interviews for the Captains Spot that was open after a captain recently left. There were three qualified candidates and it was a hard decision. The person that was chosen to be the next captain is John Dierenfeldt.

**ADJOURNMENT:** Councilman Wales made the motion to adjourn the council meeting at 7:50pm. Councilman Hollander seconded. All Ayes-Motion carried.

Mayor Seth Coleman: \_\_\_\_\_

Attested: Christine Trumbull \_\_\_\_\_

