

1 City Council Minutes

2 October 25, 2021

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4 **CALL TO ORDER/PLEDGE OF ALLEGIANCE/ROLL CALL:** Mayor Kemper called the meeting to order and
5 led the assembly in the Pledge of Allegiance.

6 **Roll Call was taken with the following City Council members present:** Mayor René Kemper;
7 Councilperson John Bartling; Councilperson Kim Pexton; Councilperson Ron McNare; Councilperson
8 Monty Gilbreath.

9 **Also Present:** Jonathan Teichert, City Administrator; Chaz Schumacher, City Clerk; Todd Byerly, PD Chief;
10 Mary Nicol, Administrative Services Director/Treasurer; Clara Chaffin, Community Development
11 Director; John Harbarger, Director of Public Works; Gary Schwarz, IT Director; Mike Armstrong, City
12 Attorney; members of Walker Creek Homemakers group; James E. Menter, Applicant; Dawn Patterson,
13 Owner P&Z Inc. d/b/a Double D Liquors.

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15 **Consent Agenda:**

16 ***Item 2a. Corrections, Additions, and Approval of Agenda – October 25, 2021***

17 ***Item 2b. Minutes, City Council Work Session – October 7, 2021***

18 ***Item 2c. Minutes, Regular City Council Meeting – October 11, 2021***

19 Councilperson Bartling moved, seconded by Councilperson McNare to approve the Consent Agenda as
20 presented, no discussion. Motion carried 5-0.

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22 **Public Comments:** None.

23
24 **Proclamations:**

25 ***Item 4a. Extra Mile Day Proclamation***

26 Mayor Kemper read the proclamation into the record, thanking the members of the Walker Creek
27 Homemakers group for their hard work, especially Rita Russell and Peg Middleton.

28
29 ***Item 4b. Small Business Saturday Proclamation***

30 Councilperson Pexton read the proclamation into the record.

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32 **Public Hearing:**

33 ***Item 5a. Show Cause Hearing: Sales Tax Delinquency, P&Z Inc. DBA: Double D Liquors***

34 Mayor Kemper opened the hearing at 5:37 p.m. Clerk Schumacher provided council with background
35 and an overview of the current sales tax delinquency and background on previous decisions regarding
36 delinquencies and violations. Dawn Patterson, owner of P&Z Inc., informed the council it was an
37 oversight on her part, she had prepared the report but forgotten to make the payment. Councilperson
38 McNare asked if they [Department of Revenue] sent notices. Patterson stated she isn't at the store a lot,
39 so she wasn't aware of the sales tax delinquency. Councilperson Gilbreath stated the maximum fine is
40 \$750. Mayor Kemper stated it was helpful before, when we monitored when the payments were being
41 made to the state, she recommends doing so again. Gilbreath stated he would like to see the maximum
42 fine of \$750 imposed. Councilperson McNare stated his support of monitoring the payments and
43 requested it be for the duration of P&Z Inc.'s ownership of the license. Councilperson Pexton expressed
44 concern that imposing a fine of \$750 in these times would be strapping to a business. Councilperson

Bartling expressed concern that sales tax is collected at the time of sales and then paid at the end of the month, he agrees with Pexton and hates to rub salt in a wound, fines are what we do to make it more serious, with an understanding that if it happens again, we suspend the license. Discussion followed. Mayor Kemper closed the hearing at 5:47 p.m.

Councilperson McNare moved, seconded by Councilperson Bartling to require a copy of the report filed with the Wyoming Department of Revenue to be provided to the City Clerk each month upon it's submittal to the state, verifying payment is made within 30 days of its due date to the state, that no fine be imposed at this time with the understanding that a suspension of the liquor license of up to 30 days would occur should another delinquency occur or payment to the state exceeds the 30 day timeline as established, for for the duration P&Z Inc. owns their liquor license, discussion followed. Motion carried 4-1; Councilperson Gilbreath voting Nay.

Item 5b. Resolution No. 2103, a Resolution Authorizing a Conditional Use Permit for the First United Methodist Church for Installation of an Electronic Message Board Sign in a CB-1 Downtown Business District at 136 South 5th Street (Original Town of Douglas, Block 17, Lots 5-7 Inclusive)

Mayor Kemper opened the hearing at 5:53 p.m. Community Development Director Chaffin provided an overview of the application, history and location of the property, and the recommendation for approval by staff and the Planning & Zoning Commission. Mayor Kemper closed the hearing at 5:55 p.m.

Councilperson Pexton moved, seconded by Councilperson McNare to approve Resolution No. 2103 as presented, no discussion. Motion carried 5-0.

Item 5c. Resolution No. 2104, a Resolution Changing the Zoning of a Part of Outlot C, Original Town of Douglas, Described Below, from I Industrial Zone to R-2 Medium Density Residential Zone

Mayor Kemper opened the hearing at 5:56 p.m. Community Development Director Chaffin provided an overview of the application, history of the property, and the recommendation for approval by staff and the Planning & Zoning Commission. Brief discussion followed regarding the zoning history. James E. Menter, current property owner, introduced himself, explaining the need for the zoning change is to enable the purchasers to obtain a VA loan and move forward with the sale of the property as a residential property. Mayor Kemper closed the hearing at 6:01 p.m.

Councilperson Bartling moved, seconded by Councilperson Gilbreath to approve Resolution No. 2104 as presented, no discussion. Motion carried 5-0.

Council Action Items:

Item 6a. Ordinance No. 1010, an Ordinance Amending Chapter 5.16 of Douglas Municipal Code Pertaining to Alcohol Server Certification – Requirements, Third Reading

Councilperson Pexton moved, seconded by Councilperson Gilbreath to approve Ordinance No. 1010 as presented, on its Third Reading, no discussion. Motion carried 5-0.

Item 6b. Amendment to Aid to Others Agreement – High Country Behavioral Health formerly known as Solutions for Life

Councilperson Gilbreath moved, seconded by Councilperson Bartling to approve the Amendment to the Aid to Others Agreement between the City of Douglas and High Country Behavioral Health formerly known as Solutions for Life, as presented. Discussion followed regarding the merger. City Attorney Armstrong recommended amending the agreement to reflect what is remaining for

89 distribution and not the entire amount granted initially. Gilbreath and Bartling approved the
90 amendment as recommended. Motion carried 5-0.

91
92 ***Item 6c. Appointment of Two (2) Planning & Zoning Commission Members***

93 Councilperson Pexton moved, seconded by Councilperson McNare to appoint Becky Renstrom and
94 Dave Patterson to the Planning & Zoning Commission for the term beginning October 26, 2021 and
95 ending October 25, 2024, no discussion. Motion carried 5-0.

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97 **Council Information: Non-Action Items:**

98 ***Item 7a. Quarterly Reports: Aid to Others***

99 ***Item 7b. Dashboards: September 2021***

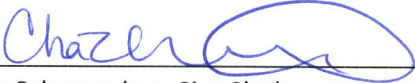
100 ***Item 7c. Treasurer's Report: September 2021***

101 ***Item 7d. Quarterly Financial Report: July-September 2021***

102 ***Item 7e. Minutes: Planning & Zoning Commission: October 18, 2021***

103
104 Councilperson Pexton moved, seconded by Councilperson McNare to adjourn the Regular City Council
105 Meeting of October 26, 2021 at approximately 6:05 p.m., no discussion. Motion carried 5-0.

106
107 **ATTEST:**

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111 Chaz Schumacher, City Clerk
112 Published November 10, 2021


René Kemper, Mayor

