



**Town of Alpine
COUNCIL MEETING MINUTES**

**DATE: March 16, 2021
TIME: 7:00 p.m.**

**PLACE: Town Council Chambers
TYPE: Regular Meeting**

- 1. CALL TO ORDER:** Mayor Lutz called the meeting to order at 7:00 p.m. Bronson Cottam led the attendees in the Pledge of Allegiance.
- 2. ROLL CALL:** The roll call was conducted by Ms. Sharon Backus, Clerk/Treasurer. Council Present: Andrea Burchard, Frank Dickerson, Justin Fritz, Jeremy Larsen, and Mayor W. Kennis Lutz. A quorum of the Council was established.

3. ADOPT THE AGENDA:

Councilman Larsen moved to adopt the agenda. Councilman Dickerson seconded the motion. There was no discussion. **Vote: 5 Yes, 0 No, 0 Abstain, 0 Absent. Motion Carried.**

4. APPROVAL OF CONSENT AGENDA:

Town Council Meeting Minutes – February 16, 2021

Payment of Town Bills – See Attached Check Detail of Bill Payments

Approval of WYDOT TAP Project Reimbursement Request # 3; of \$3,370.60

Approval of Catering Permit for Tavern on the Greys, LLC for Mule Deer Foundation Banquet on April 17, 2021

Grant Licensing Authority Approval for use of TI DAN, Inc. dba Tavern on the Greys Retail Liquor License for Catering NRA Banquet June 5, 2021 outside of Town of Alpine Jurisdiction (Requires Catering Permit Application through Lincoln County)

Councilman Larsen moved to approve the Consent Agenda. Councilman Fritz seconded the motion. There was no discussion. **Vote: 5 Yes, 0 No, 0 Abstain, 0 Absent. Motion Carried.**

5. ACTION ITEMS/NEW BUSINESS:

- Motion to Approve 475 Resolution No. 03-16-2021 "A Resolution Certifying Compliance with the Conditions and Procedures for Annexation in Accordance with W.S. § 15-1-403 (2017); The Flats at Alpine Junction Annexation a/k/a Alpine Flats" and Authorizing Mayor Lutz to Sign on Behalf of the Town of Alpine.** Ms. Sharon Backus, Clerk/Treasurer read 275 Resolution No. 03-16-2021 into the record.

Councilman Larsen moved to approve 475 Resolution No. 03-16-2021 "A Resolution Certifying Compliance with the Conditions and Procedures for Annexation in Accordance with W.S. § 15-1-403 (2017); The Flats at Alpine Junction Annexation a/k/a Alpine Flats" and authorizing Mayor Lutz to sign on behalf of the Town of Alpine. There was no discussion. **Vote: 5 Yes, 0 No, 0 Abstain, 0 Absent. Motion Carried.**

The aforementioned Resolution may be viewed in the Town Office or on the website at alpinewy.org

- **Proposed Revision to 257 Ordinance No. 2018-07, Adopting LUDC; 263 Ordinance No. 2015-09, Regulating Traffic; 103 Ordinance No. 2003-16, Maintenance of Premises and 152 Ordinance No. 2007-08, Regulating Animals – Mayor Lutz**

Mayor Lutz stated that the council had received a request from citizens of the Sunset Drive and Pinecrest Circle area to review some existing ordinances and recommendations were made by these individuals. The recommendations had been sent to the council who reviewed each suggestion. Mayor Lutz asked if the council had any additional comments on this request. Councilman Fritz stated that he would like to hear recommendations from the Planning and Zoning Commission particularly on the recreational vehicle and camping portions before the council pursues this further. Mayor Lutz stated that the recommendation to change the Land Use and Development Code (LUDC) has been given to the Planning and Zoning Secretary for consideration by the commission when next the LUDC is updated which is currently underway by the commission.

- **Planning and Zoning Commission Update – Tim Hartnett**

Mr. Tim Hartnett of the Planning and Zoning Commission stated that the commission had received the information on the proposed ordinance changes but needs more time to consider these before commenting. The meeting last Tuesday was busy. Four R1-Single Family Residence Permits were approved in addition to a bathroom remodel and a hood installation. Mr. Hartnett thanked Christine Wagner and the inspectors for dealing with all of this and plowing roads. The commission is expecting a big influx of building permits this season.

The commission sent a recommendation to the council requesting approval of the revised access onto Wintergreen Drive for Mr. Ray Hafeez's property. Mayor Lutz stated that this was a recommendation from the town engineer. Mayor Lutz stated that he had been working with Mr. Hafeez for five years on this project, but the obvious access is here.

Mr. Hartnett thanked the council for considering the annexation with Alpine Flats which would allow building under the town codes rather than acquiring the buildings which would have been built in the county. This gives the commission oversight throughout the building process.

Mr. Hartnett stated there was a long discussion on the access to the Broulim's fuel pumps. The plan is for access via Iron Horse Drive with a visual barrier as opposed to a curb barrier for access. There will be no curb between Iron Horse Drive and the gas station. This would be the same access as we currently have at the Broulim's pumps off Greys River Road. This is very dangerous on Greys River Road, but Iron Horse Drive will not be as heavily travelled. Mr. Hartnett stated that he believes a curb and gutter are needed along Iron Horse Drive. The discussion from the commission was then summarized for the council including snow storage, a proposed swale and other businesses accessing Iron Horse Drive in the future. Another problem is that there is no plan for a manned kiosk at the gas station, so you will have to go all the way into the store if you have a problem at the pump or want to pay cash.

Mayor Lutz suggested that the commission visit with Snake River Junction Homeowners Association because they own Iron Horse Drive. Mayor Lutz also suggested that Broulim, who is in the grocery business, learn from the layout of the KJ setup across the street which is in the fuel business and has good traffic flow into and out of the station. Councilman Larsen referred to

a previous meeting with Broulim's representatives where they failed to appreciate the sheer volume of trailer traffic to be expected.

Mr. Rex Doornbos of the Planning and Zoning commission stated that no decision was reached so the commission tabled this item. Broulim is to bring in a better rendition of what they have in mind. Mr. Doornbos stated that two things weighed heavy. First getting trailers, horse trailers, boats into the pumps with the curb would cause a lot of havoc. If you look at Iron Horse Drive, the next road off of Iron Horse is not 300 feet off the highway so there is the potential of stacking cars there with a curb. Also, Iron Horse Drive will not see the traffic that Greys River Road does. Iron Horse Drive is there to specifically service Broulim's store. This weighed heavily on our discussion. The commission asked for more documentation. Councilman Larsen asked if the RV Park will have access onto Iron Horse Drive but was told it is not slated to do so. Mr. Doornbos added that the commission is researching what the right-of-way is on Iron Horse Drive, we know there is a twenty-four-foot utility easement. Emergency access for the RV Park is further down and not meant for a thoroughfare.

- **Motion to Approve Western Access onto Wintergreen Drive for Mr. Hafeez's property as Recommended by Town Engineer and Planning and Zoning Commission**

Councilman Fritz moved to approve the western access onto Wintergreen Drive for Mr. Ray Hafeez's property as recommended by the Planning and Zoning Commission and Mr. Bob Ablondi, Town Engineer. Councilman Larsen seconded the motion. There was no discussion. **Vote: 5 Yes, 0 No, 0 Abstain, 0 Absent. Motion Carried.**

- **Motion to Approve Melvin Brewing Request for Landscaping Additions**

Mr. Frank Magazine, Chief Executive Officer of Melvin Brewing addressed the council stating that their plan for 2021 is to do some projects. Melvin Brewing is seeking permission to move forward with the addition of sod and sprinklers around the existing deck area according to the site plan prepared by Mr. Skylar Atkins. This will be one of the small projects planned for this year.

Mayor Lutz thanked Mr. Magazine for asking for permission. Mayor Lutz stated that the tie-in must be after the meter, there needs to be a backflow prevention device installed and the tie-in inspected for by the Chief Water Operator, Craig Leseberg.

The council unanimously granted consent for the Melvin Brewing landscaping project. Ms. Sharon Backus, Clerk/Treasurer is to prepare written confirmation for this project.

- **Motion to Approve Lincoln Uinta Child Development Association's Request to Proceed with Plans for Structural Extension (Remodel Permit Required) – Mayor Lutz**

Councilman Larsen moved to approve the request from Lincoln Uinta Child Development Association to proceed with plans for a structural extension provided the permit application process is followed. Councilman Fritz seconded the motion. There was no discussion. **Vote: 5 Yes, 0 No, 0 Abstain, 0 Absent. Motion Carried.**

- **Discussion of Melvin Request to Amend Recapture Schedule**

Mr. Frank Magazine, Chief Executive Officer of Melvin Brewing addressed the council stating that 2020 was a slow year for everyone. *January and February of 2020 picked up a little bit, but March is our turnaround month. In the first quarter of 2021 we were able to hire two more*

positions. Throughout 2020 and into 2021 we have not had a net loss of employees, if someone left, they were replaced. We are moving a lot of beer; our biggest problem is sales as states are opening up. Our orders have increased from zero to 100 miles per hour, so we are trying to keep up. There are a lot of good things going on and a lot of upgrades in the equipment. We appreciate all the support from the town council. Now we are at a point where we want to talk about a contract. We have shifted some things around and now we want to set up a monthly payment rather than a one-time lump sum per year. Our sales are seasonal, so this is easier for us. Melvin Brewing is proposing twelve seasonal payments per year where the payment is smaller (\$10,000) during the November, December, January, February, March and April and then a larger (\$30,000) payment for the May, June, July, August, September and October. This totals \$240,000 per year which is our annual payment to the town. Melvin Brewing is behind in some of our payments. We would ask that you take the past due amounts and recalculate them into the monthly recapture amortization plan. We hope we can work together with this plan to stabilize cash flow and keep our employee obligations. Melvin Brewing is requesting the first three years at \$100,000 and then three years at \$160,000.

Councilman Fritz asked Mr. Magazine why there was no interest in this proposal. Mr. Magazine stated that in the original agreement there was no interest required as long as the employment agreement of fifty employees was met. Discussion ensued from there referencing the numerous iterations of the Development Agreement and the Lease/Purchase Agreement. Melvin Brewing had defaulted on the original agreement, so discussion now is based on the most recent iteration of the agreement Addendum # 3 from 2017, which featured a recapture schedule on which an interest of 3.0% was imposed on the entire balance.

Mayor Lutz stated that Melvin Brewing was requesting a restructure of the recapture schedule to extend it back out to fifteen years. It was originally fifteen years five years ago and now the town is being asked to again extend it to fifteen years, so we are starting over. The three percent can be discussed. Mayor Lutz stated that he did not mind the concept of monthly payments, more in the summer and less in the slower months. This concept helps the town council move forward. It is hoped we do not find ourselves here again. Mayor Lutz asked Mr. Magazine if he was comfortable with the payment for the first three years at \$100,000 and then three years at \$160,000 to cover the first six years. Mr. Magazine stated that this amount had already been budgeted. Mayor Lutz stated that the interest is important because the town too, had budgeted for this income and did not receive it so the town had to go into its own coffers. The town needs to replenish that deficit. Mayor Lutz asked that the 3.0% interest is imposed on the total recapture due. Mr. Magazine will ask the board which meets tomorrow. Mr. Magazine asked that the interest may be weighted toward the final recapture payments.

Mr. Sanderson stated that he did not have a problem with the proposed plan, but the council needs to work out the amortization schedule for the recapture balance and will get back in writing to Melvin Brewing.

- **Motion to Approve Event Application for Town of Alpine**

Mr. Sanderson stated that he had prepared an event permit application after a gentleman came before the council last month seeking permission to hold a music festival. Mr. Sanderson stated that he did not know how often this permit would be required because events at the Civic Center were already covered in the Civic Center Agreement. This permit is a summary of several other town's event permits. What the town council needs to decide is which events would be required to complete this permit; what conditions justify the need for this permit. This is within the

council's legislative powers to decide. For example, would it be limited to events on public property; those needing insurance; those with an attendance exceeding a number assigned by the council such as 150 persons or whatever threshold you want to set. Over the next few months, we can tailor an ordinance to enforce the permit application once these parameters have been set. Mr. Sanderson stated that what the town does not want is something as onerous and beyond the pale of imagination as is the case in our "sister city to the north" where myriad permits are required for any event regardless of size or location. This is the extreme and is not required. The sponsor does need to have insurance. Mr. Sanderson stated that food trucks are not addressed in this permit as neither the town nor county has anything regulating food trucks.

Mayor Lutz stated he would like it to be reduced to one page. Mayor Lutz stated that what triggered this was the request for the music festival next summer and the Snow Bike Race sponsor asked if he needed an event permit. Discussion ensued.

Mr. Magazine stated that he had directed his team to request permission or at least make the town aware of event or happening where a permit may be required. Mayor Lutz thanked Mr. Magazine. Mayor Lutz stated that this permit should be filled out for the Music Festival, but the council is approving that event at Melvin Brewing.

Mr. Frank Magazine asked about signage for an event. Mayor Lutz stated that there is one place to put signage and that is on town property. There was a suggestion to paint orange signs on the road. Mayor Lutz said that the Planning and Zoning Commission permits signs and Melvin Brewing would need to go through the Planning and Zoning Commission for this.

Mayor Lutz stated that the council will continue to work on this, and a copy will be sent to the Planning and Zoning Commission for their recommendations.

- **Discussion on Master Plan – Mayor Lutz**

Mayor Lutz stated that he is trying to move forward with the review of the Town of Alpine Master Plan. Mayor Lutz stated that he will have a committee of five members, he himself will fill one of the positions. Two additional positions have been appointed leaving two positions to fill. Mayor Lutz verified that Ms. Melissa Wilson had expressed an interest in serving on the committee. Ms. Wilson stated that she was in fact interested in that or a position on the Planning and Zoning Commission. There are, however, no vacancies on the three-member commission at this time.

Mayor Lutz stated that the council needs to identify what the duties of this board will be. Mayor Lutz stated that based on the last council meeting it would be site planning and zoning, where things should be in our town. *"That was my takeaway from last meeting besides that we are no-good bastards for trying to hide it from everybody, but we weren't."* *"That we were trying to sneak something through, but we were not, this was done by the law and we were trying to do what we had obligated the town to do with the Business Council."* The town council needs to come up with some guidelines about what this committee is going to do. It cannot be a smorgasbord of everything. It has to be small and concise so we can give something to a company to prepare a Master Plan for the town. There is no way this committee would be able to do a master plan for the town on a volunteer basis. The town has never done different zoning areas, we need to do that. The town had a cookie-cutter plan from 2006 by Pedersen who prepared a plan for everybody in the valley, and they are all about the same.

Mayor Lutz stated that he hoped to have his final advisory board appointed by next meeting. Then this board can work for the next few months and then it can be turned over to a company to prepare a master plan.

Councilman Fritz suggested an on-line survey to acquire a sampling of what the town residents want. Mayor Lutz stated that armed with the survey information, the advisory board can compile the results and get back to the council or maybe the Planning and Zoning Commission. Mr. Tim Harnett asked if this was limited to public land in Alpine. Mayor Lutz stated that no, this includes everything within the town boundaries and what might be annexed within approximately one mile.

Councilman Larsen suggested the town create a mission statement of, "Plan for today and the next generation." Mayor Lutz stated this will provide guidelines through this onslaught of building and it can be amended in the future if necessary. Mayor Lutz stated that the town has a finite amount of area so that limits our options, and the town is not going to buy land in the north for parks and recreation; we will wait for someone to donate that property so we can build a park there.

Ms. Kathy Oswiany asked Mayor Lutz if the proceedings of this advisory board be publicly advertised and open to the public. Mayor Lutz stated, "absolutely".

Ms. Owsiany stated that she had asked that some brochures from Wyoming Association of Municipalities (WAM) be distributed to the councilmen. (The brochures were distributed to the councilmen.) *"This is not to try to say anything about what happened in the past but to hopefully have any activity with the town council to be held in open meeting and not in executive session because you held the land discussions in executive session it leads people to feel like you are hiding something."*

Mayor Lutz stated that the council is not here to revisit that. Ms. Owsiany stated she wanted to make sure that any activity regarding the town lands will be held in open meeting. Mayor Lutz stated, *"I cannot guarantee that because I do not know what will happen in the future."* *"I rely on legal counsel, I do not make the law, so, I asked the attorney what we should do."* Ms. Owsiany stated that she knew that the town council was trying to do what was right, but Jim is not credible.

Mr. Rex Doornbos stated, *"One of the things you all need to understand is that the town council did not come to New West or me for a proposal. I presented them a plan. I did not want to throw a business proposal out in front of the whole town. This is a good, solid business proposal and they were good enough to listen to me in executive session and when they felt the time was right after we went through some negotiation, they presented it to the town. The outcome was the outcome, but that is how it went down. I presented a proposal to them; it was their option to not open it up to the town and I would not want to come in here and stand at the podium and give away a business proposal."*

Mr. Sanderson, Town Counsel told Ms. Owsiany that she needed to speak to Mr. Mark Harris, attorney for WAM. *"I spoke with him after this little rodeo went on and he said we did exactly what the statute required especially in executive session. If you would like, I will get his number for you and you can call him."* Ms. Owsiany stated that the statute gives very specific examples of what is acceptable, so which exact example of the statute you were using to justify this being

done in executive session. Mr. Sanderson referenced W. S. § 16-4-405 (a)(vii), which reads, "To consider the selection of a site or purchase of real estate when the publicity regarding the consideration would cause a likelihood of an increase in price." Ms. Owsiany asked if the town was purchasing real estate? Mr. Sanderson asked Ms. Owsiany to speak to Mr. Harris who will tell her that private companies can come and discuss this as long as no action is taken in the executive session. That is the key. No action was taken. *"We brought that before the public and had a hearing on it before any action was taken."* Mr. Sanderson told Ms. Owsiany, *"Either talk to Mark Harris or go hire an attorney and sue us. We do not need to discuss this from here on out. Talk to Mark Harris. He wanted to know who was giving the advice from WAM because they should not have been giving legal advice."* Ms. Owsiany asked why the town would not want to maximize the profit.

Councilman Fritz stated that the council is not here to debate this. *"We beat this dead horse last month and had it in the paper for six weeks before that. The land did not get sold so let's move on with our lives. Let's get this master plan going."*

Ms. Owsiany stated, *"so that the rest of us have to live in fear that we might be caught unawares again because it was held in executive session."* Mr. Sanderson stated that if you choose, you can live by that fear again. Ms. Owsiany thanked the council.

Mayor Lutz stated that the town council is not trying to hide things. Councilman Fritz added that six weeks in the newspaper is not "hiding things". Ms. Owsiany asked then why could the council have not held this in an open meeting. Councilman Fritz stated, *"we had two open meeting and I believe you attended both of them."* Ms. Owsiany stated that she was only at one, not the first meeting because of the time of the year, she was not aware of it until two hours before the meeting. Councilman Fritz stated that three weeks before that it was in the newspaper.

Mr. Tim Harnett stated that he would like to be on record for one thing about this person here (indicating Ms. Owsiany). Mr. Sanderson admonished Mr. Hartnett that we are not directing comments at people. Mr. Hartnett stated, *"I had permission from Dave Jenkins to walk across his property to access town property that allowed me to access Palisades Reservoir. A certain neighbor to Dave Jenkins came up and not only accosted me but accosted many of my neighbors with very violent overtones. These people also had verbal permission to cross Dave Jenkin's property."*

Ms. Owsiany stated that this was not true. Mr. Hartnett stated emphatically that was true. Mr. Justin Scott stated that he agreed with Mr. Harntett, it was true. Aggressive repartee ensued. Mayor Lutz regained control of the meeting.

Mr. Justin Scott apologized for his outburst, he apologized to Ms. Owsiany. Mr. Scott stated that he was a last month's town meeting, *"I appreciate everything that went on. I live in Riverview Meadows. I appreciate what you gentlemen and ladies did to move forward. I appreciate the master plan that is going on and that we are building. I am here now just to be part of the community and again, I apologize for my outburst. I want to address you on your commendable work."*

- **Economic Development Update - Councilman Larsen**
Councilman Larsen gave the following Economic Development Report.

- The council has been busy splitting our applications based on the new state lodging tax. One path is the business development and the other the event path which attracts business. We have been busy re-writing bylaws and restructuring that pathway to funding and trying to make it more accessible to anybody just by visiting the county's website that we hope to have done by either April or May.
- The Star Valley Half-marathon event passed on first reading, they also do a nice video promotion which attracts hundreds of visitor each year.
- The J.C. Penney Building in Kemmerer passed on second reading but likely will not go beyond second reading because they have acquired proper funding for this project.
- Mike Hunsaker of Star Valley Health stated that they will begin construction in the spring for the new clinic and are now getting their ducks in a row.

Councilman Burchard asked if there had been any news on the Triathlon for this year. Councilman Larsen said he had not heard any chatter on this yet.

6. Tabled Item(s): None

TOWN OF ALPINE GENERAL FUND

CLAIMANT	ALLOWED
AFLAC	\$297.70
BLUE CROSS, BLUE SHIELD	\$6,892.69
BROULIMS ALPINE	\$138.92
CASELLE	\$56.77
COMTECH LLC	\$170.00
DRY CREEK ENTERPRISES	\$80.00
FDGL VISITOR CENTER CREDIT CARD LEASE	\$31.48
FIRST BANK	\$80.00
FIRST BANKCARD	\$2,800.28
GARRISON, JACK	\$500.00
GREAT WEST TRUST COMPANY LLC	\$7,000.00
HALSTEAD, DAN	\$31.79
IDAWY WASTE DISTRICT	\$34.50
JENKINS BUILDING SUPPLY	\$355.41
KELLERSTRASS OIL COMPANY	\$3,117.98
LINCOLN COUNTY CLERK	\$18.00
LINCOLN COUNTY SHERIFF	\$606.50
LOWER VALLEY ENERGY	\$555.42
MERCHANT FEE	\$132.46
NAPA ALL STAR AUTO PARTS	\$990.18
PAYROLL	\$42,008.56
PENNY, BELINDA Cleaning	\$615.00
SANDERSON LAW OFFICE	\$2,000.00
SEEJACKSONHOLE	\$27.50

SILVER STAR COMMUNICATIONS	\$1,117.76
SKINNER SERVICE	\$83.75
STAR VALLEY DISPOSAL	\$256.00
STAR VALLEY INDEPENDENT	\$270.75
STAR VALLEY INSURANCE	\$50.00
STATE DISBURSEMENT CENTER	\$157.50
THAYNE TRUE VALUE	\$11.47
TOWN OF ALPINE WATER DEPT	\$962.60
UNITED STATES TREASURY	\$9,148.84
VALLEY WIDE COOPERATIVE	\$3,013.33
WESTERN STATES EQUIPMENT	\$1,406.04
WYOMING CHILD SUPPORT	\$849.56
WYOMING RETIREMENT SYSTEM	\$4,254.75
XEROX CORPORATION	\$507.37

TOWN OF ALPINE SEWER DEPARTMENT

CLAIMANT	ALLOWED
BROULIMS	\$11.88
CASELLE	\$56.78
DRY CREEK ENTERPRISES INC	\$10,225.00
ENERGY LABORATORIES	\$37.00
FALL RIVER RURAL ELECTRIC	\$13.44
JENKINS	\$17.76
LOWER VALLEY ENERGY	\$2,742.03
SILVERSTAR	\$267.77
TOWN OF ALPINE Payroll, postage	\$7,587.17
TOWN WATER DEPT Billing fees, usage	\$132.76
USA BLUEBOOK	\$379.61

TOWN OF ALPINE WATER DEPARTMENT

CLAIMANT	ALLOWED
BIG LAND COMPANY	\$48.00
CASELLE INC.	\$56.78
CONRAD & BISCHOFF	\$105.55
ENERGY LABORATORIES	\$125.00
LINCOLN WATER QUALITY LAB Water testing	\$54.00
LOT 50 SNAKE RIVER DRIVE LLC	\$24.00
LOWER VALLEY ENERGY	\$1,745.87
MERCHANT FEES	\$1,270.74
SILVER STAR COMMUNICATIONS	\$520.16
TOWN OF ALPINE Payroll, postage	\$7,671.40
TOWN OF ALPINE SEWER Usage	\$34,619.48

7. Adjournment:

Councilman Fritz moved to adjourn the meeting. Councilman Larsen seconded the motion. There was no discussion. **Vote: 5 Yes, 0 No, 0 Abstain, 0 Absent. Motion Carried.**

Mayor Lutz adjourned the meeting at 8:24 p.m.

W. Kennis Lutz, Mayor 4/20/21
Date

Minutes taken and transcribed by:

Sharon Backus 4-20-2021
Sharon Backus, Town Clerk/Treasurer Date

Attest:



Sharon Backus 4-20-2021
Sharon Backus, Town Clerk/Treasurer Date

** Minutes are a brief summary of the taped recording of the meeting. **