



**Town of Alpine
COUNCIL MEETING MINUTES**

**DATE: May 19, 2020
TIME: 7:00 p.m.**

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

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- 1. CALL TO ORDER:** Mayor Lutz called the meeting to order at 7:00 p.m. Mayor Lutz led the attendees in the Pledge of Allegiance.
 - 1. ROLL CALL:** The roll call was conducted by Sharon Backus, Clerk/Treasurer. Council Present: Adam Farnsworth (via telephone), Justin Fritz, Robert LaPier, Jeremiah Larsen and Mayor W. Kennis Lutz. A quorum of the Council was established.

2. ADOPT THE AGENDA:

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

3. APPROVAL OF CONSENT AGENDA:

Town Council Meeting Minutes – April 21, 2020

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

Approval to Adopt on Second Reading 274 Ordinance No. 2020-03 "An Ordinance Amending the Town of Alpine Budget for Fiscal Year 2019/2020 as Adopted by the Town of Alpine on June 18, 2019"

Approval to Adopt on Second Reading 275 Ordinance No. 2020-04 "Town of Alpine Budget for Fiscal Year 2020/2021"

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.**

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

4. ACTION ITEMS/NEW BUSINESS:

- Discussion of Fencing and/or Signage between Skate Park and HOA Property– Rachel Grimes**

Ms. Rachel Grimes, a resident of Palisades Heights Townhomes addressed the council with the homeowner's concerns. There is a lot of traffic through the HOA property to access the pump track. The park improvements have increased the traffic. The concerns are first, the public safety of the kids trying to access the park. The owners have come close to hitting kids who are cutting across the property as they back out of their garages. Second is the liability issue the HOA encounters from an accident should a child be hit by accident

or even from a kid falling on private property and being injured. Possible solutions could be jersey barriers. The HOA has placed signage along Morning Star property entrance. A fence along the property line is another option.

Ms. Anessa Melnick another resident to the HOA added that she is not comfortable directing kids to the highway to gain access to the park.

Mr. James Sanderson, Town Counsel stated that it is not the town's responsibility to fence private property to direct traffic however, the town could fence town property to direct traffic, but the fence needs to be placed on town property. The fence at the fire department was used as an example. Mr. Sanderson also stated that he cannot offer legal advice to the HOA but encouraged them to check with their attorney about the possibility of posting "No Trespassing" signs on their property to potentially mitigate liability. Mr. Sanderson stated that there is no perfect solution to these types of situations. As soon as the town starts directing traffic in a certain direction then different liabilities present themselves. The town would have to study this to look for another possible route for access to the park that will not create different problems. The council discussed other possible solutions including obtaining an easement or the HOA recruiting the assistance of the older generation of volunteers who help clear the snow from the skate park to show the children to respect private property. The bike/walking path that is in the design phase goes off the side of the highway connecting the ballfield, skate park down and all the way back up to the river and this project started fourteen years ago.

Ms. Grimes stated that things have changed in her neighborhood. There are six units and rather than having all units used as rentals, four of these units are now occupied by the owners. The tenants may not have been bothered by this continual use of private property than the owners are. The HOA is hoping for a mutual agreement to help each other out since the property lines border each other.

Mayor Lutz stated that his recommendation is that the town study this situation further to try to come up with a solution that will work for both parties. The limitation now is funding.

- **Motion to Approve Irrigation Well Permit for US HWY 89 from June 1, 2020 through June 1, 2025 but Requiring Annual Fee and Coliform Testing**

Councilman Fritz moved to approve the Irrigation Well Permit for 25 HWY 89 on the Greys from June 1, 2020 to June 1, 2025 upon receipt of a safe/non-reactive coliform test and requiring the annual fee and coliform testing to be submitted to the Town Clerk. Councilman Larsen seconded the motion. There was no discussion.
Vote: 4 Yes, 0 No, 0 Abstain (Lutz), 0 Absent. Motion Carried.

- **Planning and Zoning Commission Report – Rex Doornbos**
Mr. Rex Doornbos addressed the council offering the following report. The commission has been very active and have managed to have successful meetings during this COVID-19 situation. The commission issued several permits including permits for a Single-Family Dwellings and one Multi-Family Dwelling. The commission had asked for a legal opinion on what constitutes a front property line for a property that has an easement through it so the setback becomes an easement. An individual wanted to put a car port in this location. This is a unique situation. The commission is looking at this situation and will have the

snowplow crew look at this and determine if it is a problem for snow removal. The question of whether this is a temporary structure was posed. The commission is going on a fieldtrip at their meeting next week to determine if there are any issues. If not, we will take positive action on the request.

The other thing that is going on now is Melvin Brewing's pergola. The court date is in June. They are taking steps to rectify identified problems however the commission does not believe they are using an engineer, rather they are doing onsite welding and not following through with the engineering as presented to the town. No one is signing off on the project and they now adding to this project. The commission asked the commercial inspector to go over and document what is being done. Concrete is going in and it is hoped they are taking pictures. The commission's concern is the bolting patterns which they could do if they just get the right person to look at this and sign off. We are reaching out to them to try to work out this project.

One of the things coming up is the Broulims' signage consisting of two signs and they are taking about digital signage.

Mayor Lutz thanked Mr. Doornbos for his report.

- **Motion to Take from the Table Third Reading of 272 Ordinance No. 2020-01**

Councilman Larsen moved to take from the table Third Reading of 272 Ordinance No. 2020-01. Councilman Fritz seconded the motion. Vote: 5 Yes, 0 No, 0 Abstain, 0 Absent. Motion Carried.

- **Motion to Adopt on Third Reading of 272 Ordinance No. 2020-01 "Regulating Recreational Fires within the Incorporated Limits of the Town of Alpine"**

Councilman Larsen moved to adopt on third reading 272 Ordinance No. 2020-01 "Regulating Recreational Fires within the Incorporated Limits of the Town of Alpine". Councilman Fritz seconded the motion. Discussion ensued.

Councilman Larsen stated that he had visited with Mr. Mike Vogt, Alpine Fire Chief about smoke complaints and burning non-refuse material. My thought was to look at the noise ordinance and treat smoke in the same manner as noise annoyance. Councilman LaPier stated that the previous concern was police coming onto your property and looking for other things. Councilman Larsen stated his recommendation would allow the fire department to come onto your property and put out the fire. Councilman Fritz stated his concern was under the penalty section is "reasonable person" and asked who decides what is reasonable.

Mr. Sanderson stated the finder of fact defines reasonable whether this is a jury or a judge. We are asking the fire department to resolve a dispute between neighbors. There is recourse in the law for somebody causing a nuisance on another person's property that does not involve calling out the volunteer fire department at night or on a weekend to literally put out a fire between neighbors. Mr. Sanderson stated that with the proposed fire department intervention, you do not give the town a chance to decide what is reasonable. The volunteers are automatically injected into a dispute. You must look at laws and what their future aspect may entail. We have a provision whereby the

offended person may take a picture, fill out an affidavit, we can look at the information of fact and have them come to court where the judge can decide whether or not to fine the offender.

Fire Chief Mike Vogt concurred with what Mr. Sanderson stated. He relayed incidents in the past few weeks which were exactly as described with multiple calls to the fire department and in fact it was just a disagreement between neighbors who wanted to involve the fire department in a personal dispute. Chief Vogt explained the details of the fire calls. It turns out these individuals were burning to be annoying and this was a retaliatory act. One fire was releasing toxic gasses as they were burning man-made items. Chief Vogt explained that only naturally occurring items may be burned. We are currently working with Wildfire Coalition in the county and regulations like burn time and wind speed and direction. There is already a Department of Environmental Agency (DEQ) ordinance regulating burning but the DEQ is not going to come from Cheyenne to intervene. The town already has burn codes. Chief Vogt recommended that first, contact dispatch if you intend to burn, check the weather, plan a time to burn, keep water and firefighting tools nearby, do not burn inappropriate materials and lastly, make sure the fire is completely out. In town the complaints are more about the smoke than the fire, but in the county, the fire itself is of great concern because it can easily get out of hand.

Mr. Sanderson stated that this discussion pertains to recreational fires only and that is the question on the table now. There is an ordinance stating you cannot burn rubbish, but this addresses recreational fires.

Councilman LaPier questioned the definition of recreational fire and should this be better defined. It was suggested that the materials be limited to natural wood and/or charcoal.

Councilman Larsen moved to amend on third reading 272 Ordinance No. 2020-01 "Regulating Recreational Fires within the Incorporated Limits of the Town of Alpine" Section 1., paragraph 2 to read, "An outdoor fire burning only natural wood and/or charcoal materials..." and to adopt as amended. Councilman Fritz seconded the motion. Vote: 5 Yes, 0 No, 0 Abstain, 0 Absent. Motion Carried.

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

- **Motion to Adopt on Third Reading 273 Ordinance No. 2020-02 "Regulating Noxious Weeds within the Incorporated Limits of the Town of Alpine"**

Councilman Larsen moved to adopt on third reading 273 Ordinance No. 2020-02 "Regulating Noxious Weeds within the Incorporated Limits of the Town of Alpine". Councilman Fritz seconded the motion. Discussion ensued.

Mayor Lutz stated that Mr. Sanderson had make a recommended edit to Section 4 of the ordinance. Mr. Sanderson stated that he proposed the amendment because while this council may have the best intentions with this ordinance, you have to look down the road at what ramifications this ordinance may have and can it be used against the town. You have a municipal court; you have a way to enforce this ordinance. It is not immediate justice, it does take time, but the town may be assured most of the time, you are doing what is right. Now if you have someone to whom notice cannot be served the town can consider at that time whether to go ahead and enter the property.

Councilman Larsen moved to amend on third reading 273 Ordinance No. 2020-02 "Regulating Noxious Weeds within the Incorporated Limits of the Town of Alpine" with the Town Counsel's edits to Section 4., and then to adopt as amended. Councilman Fritz seconded the motion.

Councilman LaPier asked if Meta Dittmer's concerns were addressed. Mr. Sanderson stated that he had on two items and with respect to the access of personal property, once the process has been completed. At that point, the town can find someone to come in and eradicate the weeds if the process has been followed.

Vote: 5 Yes, 0 No, 0 Abstain, 0 Absent. Motion Carried.

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

- **Economic Development Update:** Councilman Larsen gave the following report:
 - The Economic Development Council did meet.
 - The solar project between Utah and Wyoming is postponed but there is a scheduled video conference to discuss this on May 27, 2020.
 - Nearly every event in Star Valley has been cancelled or postponed including the Quilt Trail, Oyster Ridge Festival, All West Days, the half-marathon which will be a virtual event as it honors someone. All events in Kemmerer, Diamondville, Cokeville, Thayne and the Star Valley Ranch have been cancelled. Mayor Lutz asked about the Afton Freedom Days, but Councilman Larsen said he could not confirm whether the event would be held because Afton was not represented at the meeting. The final decision whether to hold Mountain Days will be made on June 1, 2020.
 - Everyone is looking at a 30-40% cut in revenue for Fiscal Year 2021.
- **Motion to move into Executive Session per Wyoming State Statute 16-4-405 (a)(ii) Personnel Matters**

Councilman Larsen moved to move into Executive Session per Wyoming State Statute 16-4-405 (a)(ii) to discuss personnel matters. Councilman Fritz seconded the motion. There was no discussion. Vote: 5 Yes, 0 No, 0 Abstain, 0 Absent. Motion Carried. The council went into executive session at 8:04 p.m.

Mayor Lutz called the meeting back to order at 8:22 p.m. There was still a quorum of the council present.

- **Motion to ratify decisions made in executive session.**

Councilman Larsen moved to ratify decisions made in executive session on May 19, 2020. Councilman Fritz seconded the motion. There was no discussion. Vote: 5 Yes, 0 No, 0 Abstain, 0 Absent. Motion Carried.

5. Tabled Item(s): None

Announcements: Mayor Lutz announced that there will be budget workshops on June 4, 2020 at 5:00 p.m. and June 11, 2020 at 5:00 p.m.

TOWN OF ALPINE GENERAL FUND

CLAIMANT	ALLOWED
AFLAC	\$378.30
ALANA CARPENTER Mountain Days Reimbursement	\$473.05
BLACK MOUNTAIN RENTAL	\$402.90
BLUE CROSS BLUE SHIELD OF WYOMING	\$6,615.34
BROULIMS ALPINE	\$93.22
BUSINESS PHONE SERVICE	\$170.00
CASELLE	\$56.77
CNA SURETY COUNCIL BOND	\$210.00
DRY CREEK ENTERPRISES	\$80.00
FDGL VISITOR CENTER CREDIT CARD LEASE	\$31.48
FIRST BANKCARD	\$148.77
FP MAILING SOLUTION	\$635.00
GREAT WEST TRUST COMPANY LLC	\$5,400.00
GUFFEY, DAWN	\$1,584.00
JENKINS BUILDING SUPPLY	\$538.43
KEMMERER GAZETTE	\$43.00
LCSD 2 EDUCATION FOUNDATION Jubilee Scholarships	\$1,000.00
LINCOLN COUNTY SHERIFF	\$606.50
LOWER VALLEY ENERGY	\$413.70
MERCHANT FEES	\$100.28
NAPA ALL STAR AUTO PARTS	\$69.95
PAYROLL	\$23,824.69
PENNY, BELINDA Cleaning	\$450.00
PREVENT FIRE	\$222.00
SANDERSON LAW OFFICE	\$2,000.00
SILVER STAR COMMUNICATIONS	\$690.15
SITE ONE LANDSCAPING	\$251.09
STAR VALLEY DISPOSAL	\$256.00
STAR VALLEY GLASS	\$40.00
STAR VALLEY INDEPENDENT	\$399.00
TAYLOR, BEAU	\$111.68
TOWN OF ALPINE Mountain Days Reimbursement	\$80.50
TOWN OF ALPINE WATER DEPT	\$1,073.20
TSYS	\$169.79
UNITED STATES TREASURY	\$6,960.78
VALLEY WIDE COOPERATIVE	\$500.25
WYOMING DEPARTMENT OF WORKFORCE SERVICES	\$4,483.03
WYOMING CHILD SUPPORT	\$464.56
WYOMING RETIREMENT SYSTEM	\$4,717.89

XEROX CORPORATION \$500.35

TOWN OF ALPINE SEWER DEPARTMENT

CLAIMANT	ALLOWED
BROULIMS	\$14.78
CASELLE	\$56.78
DRY CREEK ENTERPRISES INC	\$7,003.75
ENERGY LABORATORIES	\$37.00
FALL RIVER RURAL ELECTRIC	\$15.00
JENKINS	\$9.58
KUBWATER RESOURCES INC	\$2,548.12
LOWER VALLEY ENERGY	\$2,150.15
SILVERSTAR	\$246.83
TOWN OF ALPINE Payroll, postage	\$7,475.31
TOWN WATER DEPT Billing fees, usage	\$144.18
USA BLUEBOOK	\$3,297.00

TOWN OF ALPINE WATER DEPARTMENT

CLAIMANT	ALLOWED
CASELLE INC.	\$56.78
ENERGY LABORATORIES	\$200.00
FIRST BANK CARD	\$1,067.08
LINCOLN WATER QUALITY LAB Water testing	\$54.00
LOWER VALLEY ENERGY	\$1,242.96
MERCHANT FEES	\$1,121.67
MORIN, ROBERT	\$120.04
ONE CALL OF WYOMING	\$14.70
SILVER STAR COMMUNICATIONS	\$247.81
TOWN OF ALPINE Payroll, postage	\$13,398.88
TOWN OF ALPINE SEWER Usage	\$33,021.81
USA BLUEBOOK	\$820.90

6. Adjournment:

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

Mayor Lutz adjourned the meeting at 8:26 p.m.

W. Kennis Lutz 6/16/20
W. Kennis Lutz, Mayor Date

Minutes taken and transcribed by:

Sharon Backus 6/16/20
Sharon Backus, Town Clerk/Treasurer Date

Attest:



Sharon Backus 6/16/20
Sharon Backus, Town Clerk/Treasurer Date

** No tape recording was available the meeting. **