



**Town of Alpine
COUNCIL MEETING MINUTES**

**DATE: September 21, 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. Mayor Lutz 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 Fritz 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 – August 17, 2021

Planning and Zoning Minutes – August 10, 2021 Public Hearing and Meeting; August 24, 2021

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

Approval of Catering Permit-Tavern on the Greys October 2, 2021; for Ms. Rodeo Wyoming Fund Raiser

Approval of MRG-19078 Greys River Road Water Replacement Grant Request # 3: \$3,858.80

Approval of TAP Grant CD20303 Grant Request # 5 \$3,004.00

Approval of Appointment of Sharon Backus, Clerk/Treasurer to Fill the Roles of Account Administrator; Point of Contact Reporting and Authorized Representative for the ARPA Funds for Town of Alpine

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:

- **Public Hearing-Transfer of Ownership of County Malt Beverage Permit/License from Broulim Oswald, L.L.C. d.b.a. Ace Hardware to Broulim Hardware, L.L.C. d.b.a. Alpine Ace Hardware**

Ms. Sharon Backus, Clerk/Treasurer stated, on August 30, 2021, Robert W. Broulim and Cyri M. Oswald as Broulim Oswald, LLC d.b.a. Alpine Ace Hardware filed an application in the office of the

Clerk of the Town of Alpine for the transfer of ownership for the County Malt Beverage Permit No.1. Subject license is held at 100 Greys River Road, Lot 716 "C" Lakeview Estates Subdivision, Town of Alpine, Wyoming in a Commercial Zoned District.

Upon approved transfer of ownership as requested, the County Malt Beverage Permit will be known as, "Broulim Hardware, LLC, d.b.a. Alpine Ace Hardware"; permit to be numbered County Malt Beverage Permit No. 3 and to be retained at 100 Greys River Road, Lot 716 "C" Lakeview Estates Subdivision, Town of Alpine, Wyoming in a Commercial Zoned District. This permit will be transferred upon approval by the town council and payment of the transfer fees. The requisite advertising has been completed for this application and is now ready for consideration by the Town Council.

Ms. Backus asked if there any public comments. There being none, Ms. Backus recommended the council approve the transfer of the County Malt Beverage Permit as advertised pending receipt of the \$250.00 transfer fee.

- **Motion to Approve the transfer of the County Malt Beverage Liquor License from Broulim Oswald, LLC d.b.a. Alpine Ace Hardware to Broulim Hardware, LLC, d.b.a. Alpine Ace Hardware; Retaining the Location of 100 Greys River Road, Lot 716 "C" Lakeview Estates Subdivision, Town of Alpine, Wyoming in a Commercial Zoned District Pending the Receipt of the Transfer Fee and to Authorize Mayor Lutz to Sign the License on Behalf of the Town of Alpine.**

Councilman Larsen moved the transfer of the County Malt Beverage Liquor License from Broulim Oswald, LLC d.b.a. Alpine Ace Hardware to Broulim Hardware, LLC, d.b.a. Alpine Ace Hardware; Retaining the Location of 100 Greys River Road, Lot 716 "C" Lakeview Estates Subdivision, Town of Alpine, Wyoming in a Commercial Zoned District pending the receipt of the transfer Fee of \$250.00 and to authorize Mayor Lutz to sign the license on behalf of the Town of Alpine. Councilman Fritz seconded the motion. There was no discussion. Vote: 5 Yes, 0 No, 0 Abstain, 0 Absent. Motion Carried

- **Request for Reduction in Civic Center Rental Rate for Trout Unlimited Meetings – Harry House.** Mr. House was not present at the meeting.
- **Motion to Award Greys River Road Waterline Replacement Bid– Ryan Erickson**
Mr. Ryan Erickson of Sunrise Engineering addressed the council with the following update on the Greys River Road Waterline Replacement Project. The project was put out to bid, was advertised and we received three bids. The Apparent low bidder on that was Johansen Construction for \$390,676.02. The construction budget was about \$400,000 so this is within budget of \$400,000, but with not a lot of cushion. It was good to have one bid that was in range. Johansen Construction has done work in the town before as well as other places in the valley, so you are familiar with this firm. Johansen Construction is an out-of-state contractor, but we are comfortable with them; they are a legitimate company that can do the work. It is now up to the council to decide. Sunrise Engineering recommends that you award the work to Johansen Construction. Should you approve Johansen Construction, there is a Notice of Award that Mayor Lutz would sign and it is given to Johansen as their notice that they have been awarded the project. At that point Johansen Construction would get their bonding put together. There is also an agreement that they would sign and obtain their insurance as well. Once this is all completed, a Notice to Proceed is issued. We need to determine their schedule and see how they want to proceed.

Councilman Larsen moved to award the Greys River Road Waterline Replacement project to Johansen Construction for the lowest bid and under \$400,000. Councilman Fritz seconded the motion. There was no discussion. Vote: 5 Yes, 0 No, 0 Abstain, 0 Absent. Motion Carried. Mayor Lutz then signed the Notice of Award for Johansen Construction.

- **Planning and Zoning Commission Update – Floyd Jenkins**

Mr. Floyd Jenkins addressed the council and stated that the commission continues to work through permits. There is not a lot going on in September. The commission is working on a garage that was dragged into a lot without a permit. Ms. Christine Wagner asked them to stop and be prepared to pay some fines. The commission permitted two duplexes for the Buffalo Sage Development right next door here. The commission moved to send a recommendation to the Town Council for approval and signature for the replat of the properties located at 536 and 534, Forest Circle Drive known as Lots 44 and 45. That concludes the report.

Mayor Lutz thanked Mr. Jenkins for his report.

- **Motion to Approve the Replat for the Properties Located at 534 and 536 Forest Circle Drive now known as Lot # 44 and Lot # 45 of the Forest Meadows Subdivision Second Addition to the Town of Alpine and Authorize Mayor Lutz to Sign the Mylar on Behalf of the Town of Alpine.**

Councilman Fritz moved to approve the replat for properties located at 534 and 536 Forest Circle Drive now known as Lot # 44 and Lot # 45 of the Forest Meadows Subdivision Second Addition to the Town of Alpine and authorize Mayor Lutz to sign the Mylar on behalf of the Town of Alpine. Councilman Larson seconded the motion. There was no discussion. Vote: 4 Yes, 0 No, 1 Abstain, (Dickerson), 0 Absent. Motion Carried. Mayor Lutz signed the Mylar and Ms. Backus attested the same.

- **Drainage Problem at 480 Riverview Drive – Mayor Lutz**

Mr. Eric Green addressed the council thanking them for taking a look at his issue. Mr. Green stated that they purchased the house in 2006 and from day one the water has pooled up in front of the house. In a rainstorm it fills in within five minutes and you can see what the pictures look like from the front of our house. It used to not be as big of a problem because I think the drainage water would go into the sewer system and there were no silt filters or anything like that. The town rightfully has decided that they do not want all our stormwater going into the sewer, so now it just there is just a pool of water and silt. It is filtered underneath the manhole cover, and it works the way it is supposed to until the silt fills up and then it will not drain and then not only is a nuisance from the standpoint that I have a lake blocking my driveway, but also you know everyone driving by tries to see how big of a splash they can make. I have been in conversations with with Bob [Ablondi] and the mayor and hopefully it is time to come up with some sort of resolution to fix the problem. Mr. Green stated that, "I would be interested to hear what your thoughts are on it, but in general it is kind of a nuisance, especially during the summer season when there are thunderstorms, so it fills up rather quickly".

Mayor Lutz stated that it was not a problem when you bought it, "I know because Dave Truax lived there and he paved that driveway and I know the water just naturally went because they paved it to drain through that manhole". That manhole is not for waste surface water. Mayor Lutz stated that he remembered back in 2003 or 2004 when there was a very rainy summer. "The town

was getting a lot of infiltration into the sewer plant and we went around and put those stoppers in all the manholes not just your manhole.” “We cannot disrupt the sewer plant over what is happening in your driveway.” “The issue here is how it was paved originally, so I want the Town Engineer to address this.”

Mr. Bob Ablondi, Town Engineer stated that last summer he had taken some elevations, actually surveyed this. This problem has been going on for a little while, or even longer than that. First, I want to mention that we cannot have stormwater going into the sewer. The plant is a very expensive membrane treatment plant. The Department of Environmental Quality, (DEQ) prohibits storm water getting in so that is the reality we have to deal with. We just have to deal with not just the silt, but the water. I took a look at this and clearly the manhole is the low point, so everything drains there. There is a crown in the road; a slope coming from the house itself so there so no place for the water to go. It is the low point so drainage from both directions to the west and to the east of that site ponds there. I think when they paved the driveway, they did not pay a lot of attention to how they paved it, where the drainage was going to go. One thing that comes out of this is that when people pave driveways in the town’s rights-of-way, you probably are going to want them to give you some idea what they are doing so they do not create a problem like this, because I can see this happening in other in other areas of town. The town does not have a storm drainage system. Storm drains are expensive, really complicated, and cost millions of dollars.

Mr. Ablondi stated that what he came up with while looking at this, is to have a solution if we can, but it is likely not a permanent solution. We are looking at French drains essentially, gravel drains because there is no place to run the water. It would involve re-grading the pavement, raise the manhole rim and probably put in a concrete swale to be able to accommodate the drainage because it’s very, very flat. We were recommending a concrete swale because we can build a concrete Swale at maybe half a percent grade, we would need at least a couple, and gravel drains on both sides. There are a lot of utilities in the area, so that complicates things a bit. So just running through some numbers to give you some idea of expense, this would probably cost \$10,000 to \$15,000 to dom complete with asphalt, concrete and gravel swales. You know, we’d still probably have to put some filter fabric in these drains that would have to be maintained. We still need to put some filter fabric in these drains because if you do not, you know these these gravel drains are going to seal up faster. They will probably seal up anyway overtime, but the idea is to extend it as long as possible. There are, more extensive options where you could put in a drain and run it to some open space lot across from this, but that is a homeowner thing. It is not owned by the town. These kind of gravel drains are used in the town and several other places you’re probably familiar with them, and I think you know they have mixed results. But given this is a low point, that is the way the roads were built; the way the whole land lies. We are stuck with in this location. I did do a sketch and we surveyed it. We have great shots on this area. There are not a lot of good options without getting into a lot more expense. This is my thoughts on the problem and that is basically the plan.

Mayor Lutz stated that had grade rings been put in correctly around that manhole, the grade would have been brought up that would have dispersed that water where you currently have this problem. “When Dave did this, he intentionally drained everything to that manhole, and I know he did not get a permit from the town to do so.”

Mr. Green stated the fact is that something probably could have been done that would have helped flatten the grade so water that came from my property did not pool up right there. But the fact is,

the grade all the way around from the highway all the way over to where the park is, it all comes to right there. Even if that part of the road was not crowned if my part was not low, if the manhole cover would have been brought up, I think you still would have some problem there. Mr. Green suggested that the town move ahead with one of the suggestions that Mr. Ablondi is making it. It has become a little more difficult because Silver Star has put in their high-speed internet now, and so there is not nearly as much room as there would have been last year. There may be other solutions Bob might know more about, but it definitely depends on moving the water someplace.

Mr. Green stated as a side note, he is thinking about doing an addition to his house that might be a good time to do something in the spring when we are doing our addition at our house because we will be putting up a garage with the second story and may potentially tearing up the driveway or rerouting the driveway to a new garage. Mr. Green stated that he would definitely like for the town council to seriously consider one of the options that the town engineer is recommending and paying for it because it is in the towns right away. "I definitely do not see how or why we would have to pay for this." "We bought the property in 2006 and whatever happened before there is not our problem in my mind so."

Mayor Lutz asked Mr. Green what solutions he thought there are. Mr. Green stated that the only solution is what Bob is talking about. Discussion ensued about possible solutions. Mr. Ablondi stated that asphalt will have to be cut high back back up on the Green property, at least to the edge of property, that all filled in, and the manhole lifted which should have been done originally. Then installation of the concrete swale could be installed. Mayor Lutz stated that he did not know as if this is the town's fault that all of this occurred so we are having a hard time understanding why the town should pay for all of it and not have some shared responsibility here. Mr. Green stated that this is not on his property so he did not believe he should pay for the repair.

Mr. James Sanderson, Town Counsel stated that there are many issues here, so you do not have a simple answer. For instance, is it right away or is it easement? If it's an easement then the only thing the town has is a non-possessory use to go across that property, it is not their property. The liability for water draining off properties falls on the property owner from which the water is draining off so as it is, is it the neighbors, highway, etc. This is not just a simple issue that can be answered without some information. Mr. Ablondi stated that he had not looked at the plat map. The town needs to determine ownership. Perhaps the Homeowner Association could be asked about a wet well on the other side of the property. Discussion continued.

Mr. Green asked if the town staff could come over and pump the silt and water when it rains as they have a larger pump. Mr. Ablondi is to run numbers and come up with plans including looking at the plat map for ownership.

- **Motion to Lift the Fire Ban within the Incorporated Boundaries of the town of Alpine Instituted by 480 Resolution No. 7-27-2021.**

Councilman Fritz moved to lift the fire ban within the incorporated boundaries of the town of Alpine instituted by 480 Resolution No. 7-27-2021. Councilman Larsen seconded the motion. Councilman Larsen admonished the public that although the fire ban was lifted, there is still an ordinance in effect which governs fires and burning within the Town of Alpine; (272 Ordinance No. 2020-01). **Vote: 5 Yes, 0 No, 0 Abstain, 0 Absent.**

- **Update on Ordinance Revision Project – James Sanderson**

Mr. Sanderson stated that this is just for the next few months for Council and the Mayor to go over the suggestions to revise our Municipal Court ordinances; deal with nuisance problems, dog problems and also clarify things that we have ordinances for. Currently, these elements are not that clear. There are some things in the proposal that are entertaining. As you go along, if the council takes an ordinance and reads it through, send me an email if what you agree to or what you think needs to be changed. I will review your suggestions and see what can be done or what changes are needed. The main idea is to have something that is easier to enforce.

Mayor Lutz asked Mr. Sanderson to add a prohibition of people feeding wildlife in town. There are quite a few people feeding wildlife in town and it is becoming a nuisance. A little fawn was just run over on the highway. We have numerous people feeding birds, so we have hundreds and hundreds of Ravens and Magpies. These birds are all over people's houses. Mayor Lutz stated that he had spoken to Wyoming Game and Fish, (WY G & F) about this problem. WY G & F does discourage this practice but does not have a law prohibiting feed the animals. Town may institute an ordinance prohibiting this.

Mr. Sanderson stated that he had in fact prepared such an ordinance before and would prepare an Ordinance for the Town of Alpine. Mr. Sanderson verified that it is the town's understanding that WY G & F does not have a law against feeding animals, but rather merely discourages the practice. Mayor Lutz verified that this was his understanding.

- **Update on Master Plan Review Committee – Mayor Lutz**

Mayor Lutz stated that the committee had not been able to get together but are hoping to get together soon. Mayor Lutz stated that Dave Jenkins had called him and then he attempted to call Dave Jenkins, left a message and we are still trying to coordinate. Everybody is wrapping up their summer and getting done with their business, so hopefully we can get back on board with the review committee.

- **Economic Development Update – Councilman Larsen**

Councilman Larsen gave the following update:

- There is not much happening on our side of town, same thing, everybody wrapping up some summer projects.
- Some snowbirds are heading south.
- South of us the plants numbered 1 and 2 are to be retired in 2025 and plant number 3 in 2029.
- There were 36 new home permits in Star Valley Ranch and 27 building permits last just last month for the county.
- You may have seen the Airstream RV Park just south of town; they have all of their permits and the applications all in place.
- There are a few multi-housing permits in Greys River Road project for the year which has been completed and then it will start going again next year.
- People are looking for employees, including the county and several other municipalities.

Mayor Lutz thanked Senator Dockstader for attending the Alpine Council Meeting.

6. Tabled Item(s): Top of the Rockies Request for ARPA Funds from the Town of Alpine.

TOWN OF ALPINE GENERAL FUND

CLAIMANT	ALLOWED
AFLAC	\$297.70
ALPINE EMERGENCY MEDICAL	\$10,000.00
BLACK MOUNTAIN RENTAL	\$92.37
BLUE CROSS, BLUE SHIELD	\$7,308.89
BROULIMS ALPINE	\$130.22
CASELLE	\$56.77
DRY CREEK ENTERPRISES INCLUDES MOUNTAIN DAYS	\$460.00
FDMS VISITOR CENTER CREDIT CARD LEASE	\$61.58
FIRST BANKCARD	\$2,003.94
FP MAILING SOLUTIONS	\$812.72
FRIENDS OF THE ALPINE LIBRARY	\$330.00
GREAT WEST TRUST COMPANY LLC	\$6,800.00
GUFFEY, DAWL L.	\$1,848.00
JENKINS BUILDING SUPPLY	\$769.64
LGLP	\$1,000.00
LINCOLN COUNTY SHERIFF	\$606.50
LOWER VALLEY ENERGY	\$438.53
MERCHANT FEE	\$181.66
NAPA ALL STAR AUTO PARTS	\$82.26
PAYROLL	\$46,986.53
PENNY, BELINDA Cleaning	\$850.00
ROCKY MOUNTAIN COMPETATIVE SOLUTIONS	\$232.97
SANDERSON LAW OFFICE	\$2,531.25
SILVER STAR COMMUNICATIONS	\$673.03
STAR VALLEY DISPOSAL	\$278.00
STAR VALLEY INDEPENDENT	\$1,797.50
SUNRISE ENGINEERING INC	\$3,755.00
TOWN OF ALPINE WATER DEPT INC. MRG GRANT GREYS RIVER RD	\$5,349.90
TSYS	\$148.40
UNITED STATES TREASURY	\$9,331.16
US GEOLOGICAL SURVEY	\$206.00
USDA FOREST SERVICE FIREWOOD PERMITS	\$784.00
WESTERN STATES EQUIPMENT	\$60.00
WYOMING CHILD SUPPORT	\$464.56
WYOMING RETIREMENT	\$5,002.83
XEROX FINANCIAL SERVICES	\$272.64

TOWN OF ALPINE SEWER DEPARTMENT

CLAIMANT	ALLOWED
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CASELLE	\$56.78
DRY CREEK ENTERPRISES INC	\$15,005.00
FALL RIVER RURAL ELECTRIC	\$17.67
FIRST BANKCARD	\$675.33
JENKINS BUILDING SUPPLY	\$31.02
LOWER VALLEY ENERGY	\$2,068.39
MACY'S SERVICES	\$3,756.15
RENDEZVOUS ENGINEERING	\$12,060.00
SILVERSTAR	\$268.53
TOWN OF ALPINE Payroll, postage	\$8,394.00
TOWN WATER DEPT Billing fees, usage	\$132.53

TOWN OF ALPINE WATER DEPARTMENT

CLAIMANT	ALLOWED
AVAIL VALLEY CONSTRUCTION	\$478.85
BLACK MOUNTAIN RENTAL	\$570.00
BROULIMS	\$7.47
CASELLE INC.	\$56.78
CORE AND MAIN	\$18,487.40
DEPATCO	\$16.60
ENERGY LABORATORIES INC	\$1,612.00
FERGUSON WATERWORKS	\$1,369.92
FIRST BANK	\$422.11
JENKINS BUILDING SUPPLY	\$291.24
LARSON, WELDON	\$1,783.75
LINCOLN COUNTY CLERK	\$12.00
LINCOLN WATER QUALITY LAB Water testing	\$81.00
LINDERMAN, MARY	\$95.20
LOWER VALLEY ENERGY	\$3,187.83
MERCHANT FEES	\$3,171.85
ONE CALL OF WYOMING	\$93.75
RENDEZVOUS ENGINEERING	\$15,240.00
SILVER STAR COMMUNICATIONS	\$367.66
SUNRISE ENGINEERING GREYS RIVER ROAD WATER LINE	\$7,719.40
TOWN OF ALPINE Payroll, postage	\$8,235.28
TOWN OF ALPINE SEWER Usage	\$37,199.84
USDA FOREST SERVICE (PERMIT)	\$10,037.08

7. Adjournment:

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

Mayor Lutz adjourned the meeting at 7:54 p.m.

 10-19-21
W. Kennis Lutz, Mayor Date

Minutes taken and transcribed by:

 10-19-2021
Sharon Backus, Town Clerk/Treasurer Date

Attest:



 10-19-2021
Sharon Backus, Town Clerk/Treasurer Date

** The minutes are a brief summary of a taped recording of this meeting. **