



Town of Alpine

COUNCIL MEETING MINUTES

DATE: September 20, 2022
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 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 16, 2022

Planning and Zoning Commission Minutes – June 28, 2022; August 9, 2022; August 23, 2022 and Public Hearing August 23, 2022

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

Approval of WYDOT TAP Project CD20303 Reimbursement Request # 13 of \$3,146.40

Approval of MRG-19078 Greys River Road Water Replacement Grant Request # 11 of \$34,910.43

Approval of MRG-19078 Greys River Road Water Replacement Grant Request # 12 of \$3,134.10

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

- **Administer Oath of Office to Deputy Clerk/Treasurer Monica Chenault**

Ms. Sharon Backus, Clerk/Treasurer introduced Ms. Monica Chenault who has been employed as the Deputy Clerk/Treasurer and is in training to assume the position and duties of the Town Clerk/Treasurer upon Ms. Backus' retirement. Ms. Backus then Administered the Oath of Office to Ms. Chenault. Ms. Chenault was congratulated and welcomed by the public.

- **Fiscal Year 2022 Audit Report – Sharon Backus, Clerk/Treasurer**

Ms. Backus reported that the fiscal year 2022 audit requirements have been met and filed with the Wyoming Department of Audit. The audit for a town the size of Alpine, which is designated as a Level A Town, has four requirements. First, you must have a budget for the fiscal year. Alpine amended the fiscal year 2022 budget, and the final amended budget was adopted on June 21, 2022. Second, is filing the Form-66 referred to as the "Census Report". This reports every penny received and every cent expended in all departments. In addition to the combined income statements, it includes long-term debt reduction, cash, depreciation and number and classification of employees. Third, the town must submit final financial statements in the prescribed form mandated by the Department of Audit. Lastly, Alpine as a Level A Town defined as having a population less than 10,000 and a combined income of greater than \$100,000 but less than \$500,000. This requires a "self-audit" which includes an Annual Report Summary, Proof of Cash for each account and a prescribed Internal Control Evaluation/Self Audit. This must be performed by an independent CPA. Alpine's audit was performed by Larry Frank, CPA.

Commencing in 2019, the Wyoming Department of Audit required all entries to post these four items in a prevalent place on their website. Alpine's fiscal year 2022 information may be found at the website alpinewy.org in the upper right corner in a folder entitled, "Budget and Financial Data". Ms. Backus encouraged everyone to peruse the file and contact her should they have questions.

- **Update of Greys River Road Replacement and TAP Pathway Grant – Ryan Erickson**

Mr. Ryan Erickson of Sunrise Engineering presented the following update. First, the water project is essentially completed. There are a couple of items on the punch list that was sent to the contractor. Those have not yet been completed. Once the punch list items are completed, we will do the final advertising. The town is required to advertise for forty days before the retainage may be paid out.

Mr. Erickson stated that with respect to the pathway project, they have been progressing slowly on getting the pathway prepared. Today, they poured some concrete and they plan to pour more on Friday. The project will proceed ahead as concrete is available and weather permits. It will soon be cold enough to require the concrete to be covered. The contractor will continue to prepare the area as best they can before winter.

Councilman Burchard stated that she saw someone riding a dirt bike down the pathway. Discussion ensued on how to keep people off the concrete before it is set. Mr. Erickson is scheduled to meet with the contractor tomorrow. The council agreed that the pathway looks good so far.

- **Motion to Approve Assignment of Melvin Brewing Recapture/Lease Agreement to Get Down, LLC and to Authorize Mayor Lutz to Sign on Behalf of the Town of Alpine– Colby Cox**

Mr. Sanderson stated that he had been in contact with Mr. Kevin Voyles, attorney for Mr. Cox as well as counsel for Wyoming Association of Municipalities (WAM). What you have here is a public piece of property and the issue is whether or not the person assuming the lease needs to provide financial statements which would be made public. The alternative solution could a letter of credit or a bond would be acceptable in lieu of financial statements. In this instance, the bank is taking

on the roll of financial review and securing that the funds are available to the town. The financial statements would be able to be kept private but the bank determines that they are solvent and if there is a problem, the bank steps in and pays the town. The motion you make needs to authorize the mayor to sign this transfer once the proof or the bond or letter of credit is issued.

Councilman Fritz moved to approve the assignment of Melvin Brewing Recapture/Lease agreement to Get Down LLC and authorize Mayor Lutz to sign on behalf of the Town of Alpine pending bond or line of credit. Councilman Dickerson seconded the motion.

Discussion continued. Councilman Larsen asked how this differed from any other town lease. Mr. Sanderson stated because there is a large asset that we have had a problem collecting what is due the town in the past, so it is your fiduciary duty in the future to make sure that you have somebody assuming the lease. It is a bit difficult to go out and find a group to take over that lease because it is such a specialized field. This is a public asset, so you must negotiate in public.

Mr. Colby Cox addressed the council and stated that he represents Roadhouse Brewing Company (RBC) which is the contract purchaser of Melvin Brewing Company (MBC). RBC has been around the Jackson area since 2012. RBC expanded significantly in 2019 into a production and opened a restaurant on the town square in 2019. RBC distributes in seven states and has been operating for quite some time now. RBC is excited about this acquisition; to take an interest in Alpine and look forward to a long future of prosperity and mutual benefit. Mr. Cox stated that he completely understands there are some technical difficulties here but what Mr. Sanderson referenced is the recommendation being made and proposed by Mr. Voyles. Mr. Cox stated that you have a 13 year lease remaining with the town. You know we have roughly \$2.152M due to the town over that period of time. This equates to an average of about \$13,000/month, sometimes higher and sometimes lower. The difficulty of posting that kind of letter of credit for the full payment amount over 13 years on day one of the purchase. Practically speaking, the obligation to the town is not \$2.2M, it is roughly \$13,000/month. Obtaining a letter of credit is not as easy as just going to the bank and grabbing one. Typically, it is set up as some kind of lending relationship. "If I was borrowing \$2.0M for improvements to property, site work, streets, roadways the bank would issue a letter of credit because we are making the loan." It is more difficult to get the bank to issue a letter of credit without a loan. Mr. Cox asked if the mayor and council would consider a guarantee from RBC.

Discussion continued regarding the disclosure/non-disclosure of financial statements. Mr. Sanderson again stated that this is public land requiring public disclosure. Even if the financial statements had a non-disclosure status, because it is public land, they would be open to a public information request. This is public property. Mr. Cox asked about the possibility of an escrow account to draw from if a payment is missed. Mr. Sanderson stated that he and Mr. Voyles had discussed a bond or bank credit for the sum of three years if the lease. Mr. Sanderson stated that then even if the worse happened, the town would have time to find another use for the building. Mr. Cox requested that that be two years only. Mr. Cox stated that essentially the town has a receivable worth approximately \$2.1M against a property worth \$5.0-6.0M so you have a loan to value ratio of about 35%. Mr. Sanderson stated that the town owns the building only, not the equipment inside the building. Mr. Cox stated that this is time sensitive as he hoped to close on September 30, 2022.

Mayor Lutz stated that he favors the three-year option of a bank letter of credit for three years. Mr. Sanderson stated that he favored an escrow account with one year's payments plus a bank

letter of credit of two year's payments. The town could do a two-year bank letter of credit renewable every two years. The terms of what triggers the letter of credit must be defined. Councilman Burchard stated that a payment reserve account or bank letter of credit are good options. Councilman Larsen stated that he would be abstaining from the vote as an investor in Melvin Brewing but would obviously want this to go through. Councilman Larsen stated the frankly he would love it if Mr. Cox just paid the town. Mr. Brian Campbell asked about the security that exists in this process with Melvin Brewing. Mr. Sanderson stated that as for the town's other tenants hospital is a government entity and with respect to the daycare, you can get another tenant in that space, not necessarily a daycare. Mr. Sanderson stated that his advice is based on his interpretation of the law. Mr. Sanderson was not involved in the original transaction between Melvin Brewing and the town, rather this agreement was made between the Wyoming Business Council and the Town of Alpine. Councilman Larsen stated that the Wyoming Attorney General signed off on this agreement. The town is not loaning money, there is an asset side to this. The town is selling an asset.

Councilman Fritz moved a substitute motion to approve assignment of Melvin Brewing Recapture/Lease Agreement to Get Down LLC; authorize Mayor Lutz to sign on behalf of the Town of Alpine pending receipt of a bank letter of credit for two years of payments to the town. Councilman Dickerson seconded the motion. There was no further discussion. Vote: 4 Yes, 0 No, 1 Abstain (Larsen), 0 Absent. Motion Carried.

Mr. Frank Magazine, Chief Executive Officer of Melvin Brewing thanked the council for their part in getting Melvin Brewing where they are now. Mr. Magazine took over the Melvin Brewing project a little over two years ago and promised the council to do his best to straighten this all out. Today is the result of all of that. We have a very sellable product, excellent company and one of the aspects of choosing Roadhouse Brewing Company was simply that we had their promise from the beginning that they were going to keep this in Alpine and improve it because that was always our vision from the beginning. "I want to personally thank all of you across the board because every one of you had a big hand in getting us to where we are through your patience, support and understanding." Mr. Magazine stated that it is his belief that in a couple of years with Colby and his team taking over this is going to be a destination beyond what it is now. It is good now, but with things like the kitchens and expansion it is even going to be better.

- **Motion to Amend on Second Reading 298 Ordinance No. 2022-16 "An Ordinance to Establish a Schedule for the Reimbursement of the Developer of Properties within the Town of Alpine, Wyoming to Receive Reimbursement from Subsequent Developers for Expenditures for the Installment of Water and Sewer Improvements" by Requiring Inspection and Approval by the Town of Alpine in Section 1(a) and Section 2 and to Adopt on Second Reading as Amended.** Ms. Backus read 298 Ordinance No. 2022-15 into the record.

Councilman Larsen moved to amend on second reading 298 Ordinance No. 2022-16 "An Ordinance to Establish a Schedule for the Reimbursement of the Developer of Properties within the Town of Alpine, Wyoming to Receive Reimbursement from Subsequent Developers for Expenditures for the Installment of Water and Sewer Improvements" by requiring "Inspection and Approval" by the Town of Alpine in Section 1(a) and Section 2 and to adopt on second reading as amended. Councilman Fritz seconded the motion.

Mr. Eric Green asked Mr. Sanderson where this ordinance came from and asked for a real-world example. Mr. Sanderson stated that this came about from another municipality and offered an explanation using various developers as an example. Mr. Sanderson explained that with this ordinance in place, the onus to determine recapture is on the developer, not the town. The town does not have to determine the recapture due to the developer. There is no reason for the town to be in the middle. There was no further discussion. **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 First Reading 299 Ordinance No. 2022-17 "An Ordinance Repealing and Replacing 192 Ordinance No. 2009-48 Providing for Business Licenses and Fees for the Town of Alpine".** Ms. Backus read 299 Ordinance No. 2022-16 into the record.

Councilman Larsen moved to adopt on first reading 299 Ordinance No. 2022-17 "An Ordinance Repealing and Replacing 192 Ordinance No. 2009-48 Providing for Business Licenses and Fees for the Town of Alpine". Councilman Fritz seconded the motion. Councilman Burchard stated that it makes more sense to people to use a calendar year rather than a fiscal year. **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 Amend 488 Resolution No. 07-19-2022 to Strike "Board of County Commissioners of Lincoln County, Wyoming" to add, "Alpine Town Council, Governing Body of the Town of Alpine"; add "for the Primary Purpose of Promoting Travel and Tourism in the Town of Alpine and to resubmit the Approved, Amended Resolution to the Lincoln County Clerk".** Ms. Sharon Backus explained the changes required are to identify the correct governing body.

Councilman Larsen moved to Amend 488 Resolution No. 07-19-2022 to Strike "Board of County Commissioners of Lincoln County, Wyoming" to add, "Alpine Town Council, Governing Body of the Town of Alpine"; add "for the Primary Purpose of Promoting Travel and Tourism in the Town of Alpine" and to resubmit the approved, amended resolution to the Lincoln County Clerk. Councilman Fritz seconded the motion. 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

- **Motion to Approve 492 Resolution No. 09-20-2022 Rezoning Lots Numbered 732b, 733b and 734b of the Lakeview Estates Subdivision (Tract B) from Commercial Zoning to Mixed Residential Commercial Zoning as Recommended by the Planning and Zoning Commission.** Ms. Backus read 492 Resolution No. 09-20-2022 into the record.

Councilman Larsen moved to approve 492 Resolution No. 09-20-2022, Rezoning Lots Numbered 732b, 733b and 734b of the Lakeview Estates Subdivision (Tract B) from Commercial Zoning to Mixed Residential Commercial Zoning as Recommended by the Planning and Zoning Commission. Councilman Dickerson seconded the motion. Mayor Lutz asked Mr. Rex Doornbos of the Planning and Zoning Commission if the easement south of the property is still in place. Mr. Doornbos answered in the affirmative. **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

• **Planning and Zoning Report**

Mr. Rex Doornbos of the Planning and Zoning Commission addressed the council and reported that things are pretty quiet now. There have been a couple of R1 Single Family Dwellings and one garage along with some signage permits turned in. The commission is definitely coming off our workload some. This rezone the commission handled was pretty interesting. We had Alpine Flats come in. They are starting on their second building over in the apartment complex. They have paid all the fees for the second building. One of the issues we had is the Land Use and Development Code) LUDC has a height limit of 35 feet. In the Master Plan for Alpine Flats, the buildings were described as 38-foot buildings. The council did not shoot down this violation. We discussed this. It was written in and never part of the requirements of not doing it. If it was under an accepted master plan they have a right to build to that point, however, the builder did lower the pitch of the roof and make it 35 feet. This avoids all controversy. Mr. Doornbos asked Mr. Sanderson about the mistake that was made. Mr. Sanderson stated that you cannot have a mistake that violates the law. A master plan must meet the criteria in the LUDC unless you make a special district.

Mr. Doornbos stated that this is the perfect segue to his next point. Messers Steven Funk, Bryan James and Kevin Voyles came to the commission meeting to present the initial project on the Clinger property and wanted our feedback. In general, in theory, the commission is in favor of the idea, but need a lot more specifics. One of the pitfalls when a developer is trying to develop is the people in town want specifics and the developer is trying to keep it as loose as possible. Mr. Sanderson stated that with the special district they are trying to change the tax designation in order to cover bonds. A Special District would need to be set up in the LUDC before the town agrees. Mr. Doornbos stated that perhaps an architectural review committee could be formed to have general oversight over this and other projects as part of the compliance, but there is a long way to go on that.

Councilman Larsen asked Mr. Doornbos how the number of building permits this year compares to last. Mr. Doornbos that he was not certain but were probably above last year.

• **Economic Development Update – Councilman Larsen**

Councilman Larsen offered the following report:

- Mr. Rod Jensen from the Bank of Star Valley Economic Report that is published annually. A couple of things of interest is that the Star Valley itself is shrinking a bit as far as family size going from 4.7 to 4.6. People moving in are generally 45-65 years of age. The valley has two growth markets. Families that were born here and grow up here constitute 48% of the market and early retirees and almost empty nesters may up another 48%. The median price for a house in Star Valley is \$640,000 so most twenty or thirty year old people cannot afford the houses. This will only change when there is more housing. This is a problem for everyone not just Alpine or Star Valley.
- Lincoln County has a new planner. County building permits have increased over last year.
- The Fiber Update is that there will be a certified letter coming out next week. We still need people to come in and sign the utility easements. We had one resident that needs some utility work and when Lower Valley Energy was contacted, they did their due diligence and let her know they would not perform the work until the easement was signed and to contact the town.

- A couple of weeks ago, Jackson had their Old Bill's Fun Run. Many people enjoy that. There are many people who go there to celebrate. This event covers a lot of nonprofit entities, however, I would like to plug our own local nonprofit entities. We do not have a community foundation but have Top of the Rockies, Thayne Senior Center, Star Valley Search and Rescue, Hospital Foundation, Friends of the Alpine Fire Department and Alpine Trails and Pathways who all rely on donations. Please consider donating to these organization.

6. Tabled Items: None

TOWN OF ALPINE GENERAL FUND

CLAIMANT	ALLOWED
AFLAC	\$297.70
ALPINE ACE HARDWARE	\$237.04
ALPINE EXCAVATION	\$225.00
BLACK MOUNTAIN RENTAL	\$20.00
BLUE CROSS BLUE SHIELD	\$10,957.88
BROULIMS	\$148.42
CASELLE	\$100.33
CONRAD & BISCHOFF	\$296.09
DCI	\$15.00
DRY CREEK ENTERPRISES	\$260.00
FDMS VISITOR CENTER CREDIT CARD LEASE	\$60.18
FIRST BANKCARD	\$2,071.90
FP MAILING SOLUTIONS	\$500.00
GREAT WEST TRUST COMPANY LLC	\$7,550.00
GREEN TURF LANDSCAPING	\$1,155.89
GUFFEY, DAWN	\$2,002.00
HALSTEAD, DAN	\$2,100.00
IDAWY WASTE DISTRICT	\$33.65
IIMC	\$175.00
INTERNATIONAL CODE COUNCIL	\$160.00
JENKINS BUILDING SUPPLY	\$498.21
LARRY FRANK CPA PLLC	\$4,500.00
LINCOLN COUNTY SHERIFF	\$606.50
LOWER VALLEY ENERGY	\$577.45
MERCHANT FEE	\$348.46
NAPA-ALLSTAR AUTO	\$1,075.08
NORCO	\$37.20
PAYROLL	\$63,685.70
PENNY, BELINDA Cleaning	\$1,410.00
ROCKY MOUNTAIN COMPETATIVE SOLUTIONS	\$289.26

S & A TRUCK & EQUIPMENT REPAIR	\$593.28
SANDERSON LAW OFFICE	\$2,281.25
SILVER STAR COMMUNICATIONS	\$4,872.93
SITE ONE LANDSCAPING	\$311.81
STAR VALLEY DISPOSAL	\$685.00
STAR VALLEY INDEPENDENT	\$897.77
SUNRISE ENGINEERING	\$3,933.00
TAPCO	\$4,306.30
TOWN OF ALPINE SEWER DEPT	\$5,000.00
TOWN OF ALPINE WATER DEPT	\$5,382.15
TOWN OF ALPINE WATER DEPT (Grant Income pass through)	\$144,348.32
TSYS	\$28.87
UNITED STATES TREASURY	\$13,457.32
USDA FOREST SERVICE	\$700.00
US GEOLOGICAL SURVEY	\$313.80
VALLEY AUTO SUPPLY	\$68.97
VALLEY TECH LLC	\$144.00
VAN DIEST SUPPLY COMPANY	\$410.00
WAMCAT	\$75.00
WYOMING CHILD SUPPORT	\$464.56
WYOMING GAME & FISH	\$521.50
WYOMING RETIREMENT	\$8,056.33
XEROX FINANCIAL	\$277.14

TOWN OF ALPINE SEWER DEPARTMENT

CLAIMANT	ALLOWED
BRENNTAG PACIFIC INC	\$1,518.73
BROULIMS	\$7.00
CARBITROL	\$8,790.84
CASELLE	\$100.33
CUMMINS ROCKY MOUNTAIN	\$2,984.00
DRY CREEK ENTERPRISES INC	\$10,867.50
FALCON ENVIRONMENTAL (SMITH & LOVELESS)	\$5,813.29
FIRST BANKCARD	\$92.21
JENKINS BUILDING SUPPLY	\$62.32
KUBOTA	\$178,910.00
LOWER VALLEY ENERGY	\$2,316.04
MACY'S SERVICES	\$412.50
RENDEZVOUS ENGINEERING	\$3,125.00
SALT RIVER MOTORS	\$632.91
SILVERSTAR	\$269.65
SMITH & LOVELESS INC	\$4,049.00

TOWN OF ALPINE Payroll, postage	\$14,598.05
TOWN OF ALPINE WATER DEPT Billing fees, usage	\$146.85
TOWN OF PINEDALE	\$3,700.01
USA BLUEBOOK	\$509.35
VALLEY AUTO	\$614.75

TOWN OF ALPINE WATER DEPARTMENT

CLAIMANT

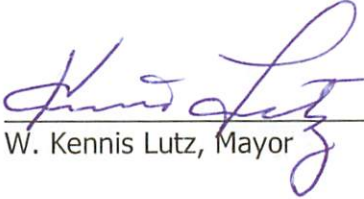
ALLOWED

ALPINE ACE HARDWARE	\$64.93
ALPINE EXCAVATION LLC	\$657.43
APPLIED DIVING SERVICES INC	\$7,200.00
A.T.&T.	\$199.38
BLACK MOUNTAIN RENTAL	\$65.00
BRENNTAG PACIFIC INC	\$4,038.97
CASELLE INC.	\$100.34
CONRAD & BISCHOFF	\$358.45
CORE AND MAIN	\$34,974.83
CUMMINGS ROCKY MOUNTAIN	\$684.00
DEPATCO	\$6,171.15
ENERGY LABORATORIES	\$649.00
FREGUSON-WATERWORKS	\$8,139.70
H. D. FOWLER COMPANY	\$1,744.00
JENKINS BUILDING SUPPLY	\$744.81
JOHANSEN CONSTRUCTION (Greys River Road Waterline)	\$222,837.31
LINCOLN WATER QUALITY LAB Water testing	\$81.00
LOWER VALLEY ENERGY	\$3,899.26
MERCHANT FEES	\$1,201.55
ONE CALL OF WYOMING	\$27.75
RENDEZVOUS ENGINEERING INC	\$3,312.50
SITE ONE LANDSCAPING	\$433.92
SUNRISE ENGINEERING INC.	\$20,047.00
TOWN OF ALPINE Payroll, postage, rent	\$45,611.83
TOWN OF ALPINE SEWER Usage	\$44,756.86
VALLEY AUTO SUPPLY	\$1,661.94

7. Adjournment:

Councilman Dickerson 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 8:02 p.m.


W. Kennis Lutz, Mayor

10/18/22
Date

Minutes taken and transcribed by:


Sharon Backus, Town Clerk/Treasurer

10-18-22
Date

Attest:




Sharon Backus, Town Clerk/Treasurer

10-18-22
Date

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