



**TOWN OF ALPINE
COUNCIL MINUTES
APRIL 19TH, 2005**

Mayor David Lloyd called the meeting to order at 7:02 p.m. and held the pledge of allegiance. A quorum was established by the clerk through a roll call. Council members present: D.R. Hutchinson, Steve Fusco, and Don Jorgensen. Kathy Swiston absent and excused. Others present: Brenda Bennett, Treasurer; Steve Van Valkenburg, Police Officer; Tracy Matthews, Clerk; Garren Stauffer; and Dave Gustafson.

A. ACTION ITEMS AND NEW BUSINESS:

- **COUNCIL MINUTES:** Mayor Lloyd called for a motion to approve the April 5th, 2005 minutes. **D.R. Hutchinson motioned to approve the council minutes. Don Jorgensen seconded. VOTE: 4 – Yes; 0 – No; 0- Abstain; 1- Absent (Kathy Swiston).**
- **PLANNING & ZONING MINUTES:** - Item discussed later in the meeting upon Dave Gustafson's arrival.
- **118-Ordinance No. 2005-08 2nd Reading:** *Permanently Establishing Alpine Police Department:* Mayor Lloyd read the ordinance through the title and first two paragraphs. Steve Van Valkenburg advised one change must occur with the ranking in the department- lieutenant before sergeant. The clerk advised the "emergency ordinance" verbiage on the last part in the voting section should be deleted. **D.R. Hutchinson motioned to approve 118-Ordinance No. 2005-08 as a second reading with the changes noted. Steve Fusco seconded. VOTE: 4- Yes; 0-No; 0-Abstain; 1- Absent (Kathy Swiston).**
- **119- Ordinance No. 2005-09 2nd Reading:** *Permanently Establishing Municipal Court:* Mayor Lloyd read the proposed ordinance through the title and first two paragraphs. The clerk advised the emergency verbiage in the voting section needs to be deleted. As well as the verbiage "addition to court ordinance" above the effective date section.

Steve Fusco motioned to approve 119-Ordinance No. 2005-09 as a 2nd reading with the noted changes. Don Jorgensen seconded. VOTE: 4- Yes; 0- No; 0-Abstain; 1-Absent (Kathy Swiston).

- **1st Reading: 113-Ordinance No. 2005-03 Business License Codes:** Initially, the Council discussed tabling this item due to some of the proposed rates, however, the Council agreed to read the proposed rate schedule and come to an agreement on any changes. The clerk advised this year's business licenses will expire 6/30/05 and she must have enough time to reflect any changes the council adopts with this new ordinance. If the item is tabled without a first reading the new fees will not be able to be in place for this year's licensing process. Currently, fees are set at \$25.00 and have not changed for several years; this ordinance proposes $\frac{3}{4}$ of the revenue be diverted to economic development to assist the business sector. Most of the fees would be raised to \$50.00 per year. Mayor Lloyd read the proposed ordinance through the title and first two paragraphs as a first reading; any proposed changes agreed upon will be reflected on the second reading's draft. The following changes were agreed upon by the Council regarding rate fees:

	PROPOSED ORDINANCE VERSION	CHANGES/ ADDITIONS/ DELETIONS
1)	"GARAGE/ AUTO DEALER"	ADD AUTOMOTIVE BEFORE GARAGE
2)	"BILLIARDS/ POOL TABLES"	DELETED ALL TOGETHER

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| 3) | "FOOD WAGON/ STAND" | Keep at \$35.00 add 1-4 consecutive days |
| 4) | "MOTEL/ HOTEL" | Reduced to \$50.00 all together delete per room charge |
| 5) | "EMERGENCY VERBIAGE IN THE VOTE SECTION SHOULD BE DELETED" | |
| 6) | "PARADE/ PROCESSION" | DELETE THE WORD PARADE |
| 7) | "NOISE/ BLOCK PARTY/ CONCERTS" | DELETE "NOISE/ BLOCK PARTY"; CHANGE TO "OUTDOOR EVENTS: STREET PARTY; C ONCERTS"; \$50.00 PER DAY FEE |
| 8) | "RECYCLING" | Add the word "center" |
| 9) | "SPECIAL EVENTS" | \$35.00/ add 1-4 Consecutive Days |
| 10) | "Temporary Transient Merchant" | \$35.00 /add 1-4 Consecutive Days |
| 11) | "Installation Permit/ Expositions" | \$35.00 / add 1-4 Consecutive Days |

PROPOSED RATES DISCUSSED AND CLARIFIED BUT RATES NOT CHANGED:

- 1) SEXUALLY ORIENTED BUSINESSES: Proposed rate is \$500.00 due to the increased administrative fee once a permitting/ licensing process is in place for regulation. Carter Wilkinson, Town of Alpine Attorney, advised the \$500.00 fee is not out of line in comparison to other businesses of the same nature. Additional supervision is required with this type of business and a regulation ordinance may be needed which may cover where such business are permitted and not permitted, hours of operation, and possible back-ground checks on employees. Town and cities throughout the region were contacted for policies; the ordinance is pending. The Council agreed to keep this proposed rate at \$500.00.
- 2) DOOR TO DOOR SALES: Steve Van Valkenburg advised he would like to see the Green River Ordinance utilized for door to door sales. If a salesman call the home owner and arranges by invitation to come to the home is different than salesman being allowed to sell without permission; non-profit organizations and political candidates are exempt if the Green River Ordinance is enacted/ adopted. The "Green River Ordinance" will be added by separate ordinance.
- 3) AUCTIONEER: Treasurer explained more demand is put on the system with large auctions. After discussion this rate was kept at the proposed \$100.00 fee.
- 4) BAR/ SALOON: Treasurer explained there is an increase in liability, police coverage, and impacts with a bar/ saloon, therefore, the rate is proposed at \$100.00.
- 5) LIABILITY DISCLAIMER: The Council discussed adding a liability disclaimer at the bottom of the fee schedule explaining the higher costs for different business. Carter Wilkinson advised it isn't necessary to explain this as the Town has a right to set its own fees due to additional administrative costs, etc.
- 6) MALT BEVERAGE PERMIT: Clerk will clarify if the fee is currently at \$100.00 one day/ event.
- 7) PAWNBROKERS: Steve Van Valkenburg advised the police department must run all items sold at the pawn brokers through the system for stolen property—extra administrative costs.
- 8) SALVAGE YARD/ JUNK DEALER: Many on the council felt the rate at first glance is too high but agreed to keep the rate as it is and look into it further. The clerk reminded the Council Pepper Herman from WY Rural

Water Association advised the Town Council they are responsible for all private property and the potential contaminants from this private area to their public water system and ground water. Pepper Herman has warned the Town of potential freon and other contaminants from the salvage yard could be potentially hazardous. Additionally, the clerk advised it is difficult to know what was "grand fathered" with the business and what has been expanded without gaining permission by the Town. If the Town initiates an administrative process by the police dept., for example, to keep track of the auto salvage yard an appropriate fee must be charged to cover some of the expenses.

Mayor Lloyd called for motion to approve this 113-Ordinance as a first reading with the changes noted and agreed upon. **Don Jorgensen motioned to approve 113-Ordinance No. 2003- 03. Steve Fusco seconded. VOTE: 4-Yes; 0- No; 0- Abstain; 1- Absent (Kathy Swiston).**

- **Town's Ranking Vote for Engineering Firms- Level II Water Study – Vote due 4/22/05 to Water Development Commission:** The Town must rank all five (5) Steve Fusco thanked all engineering firms who provided proposals and feels it is common courtesy for the time and effort they provided. Council members voted and ranked each engineering firms as follows:

1) D.R. Hutchinson, Council:
#1 Nelson Engineering
#2 Rendezvous Engineering, PC
#3 Keller Associates
#4 Horrocks Engineering
#5 Jorgensen Associates PC

2) David Lloyd, Mayor:
#1 Nelson Engineering
#2 Rendezvous Engineering, PC
#3 Keller Associates
#4 Horrocks Engineering
#5 Jorgensen Associates PC

3) Steve Fusco, Council:
#1 Nelson Engineering
#2 Jorgensen Associates PC
#3 Rendezvous Engineering PC
#4 Horrocks Engineering
#5 Keller Associates

4) Don Jorgensen, Council
#1 Jorgensen Engineering
#2 Horrocks Engineering
#3 Keller Associates
#4 Nelson Engineering
#5 Rendezvous Engineering PC

5) Kathy Swiston, Council: Absent tonight; Mayor will obtain her vote tomorrow.

The Mayor will contact the Water Development Commission prior to April 22nd, 2005 as to the Council's final ranking after gathering Ms. Swiston's vote. FINAL DECISION BY THE WATER DEVELOPMENT COMMISSION WILL BE MADE IN CHEYENNE ON MAY 3RD, 2005.

- **Shawn Bard's 4-7-05 Letter to Council-** Demanding Installation of Town Road: Carter Wilkinson reviewed Mr. Bard's letter on behalf of the Town. To his understanding and reviewing the court order, the issue is a "neighbor's" issue. If Mr. Bard is using his adjacent lot that he owns to create access then he is okay to begin construction of the road. D.R. Hutchinson disagreed and advised that he feels the Town is responsible to provide access to this remaining lot which Mr. Bard purchased from Leigh Copeland. Council agreed that Mr. Wilkinson should write a letter to Mr. Bard reflecting his findings. **Don**

Jorgensen motioned to approve Carter Wilkinson issuing a letter to Mr. Bard summarizing information from the court order and his findings. Steve Fusco seconded. VOTE: 3- Yes; 1- No (Hutch Hutchinson); 0- Abstain; 1- Absent (Kathy Swiston).

- **Planning & Zoning Minutes: April 12th, 2005:** Dave Gustafson reviewed the minutes for the Council's behalf. The following items were discussed:

1) Cameron/ Wade Porch Issue: Dave Gustafson advised Mr. Cameron and Mr. Wade were given an opportunity to replat the two lots in which Mr. Cameron's deck extends into Mr. Wade's property. Marlowe Scherbel was conducting a replat of the area and they were offered to join the replat to clear the deck issue. According to Dave Gustafson, Mr. Cameron's property was sold by Donn Wooden, local realtor, to a new owner without the deck issue being resolved.

2) RVM Home Owner's Association Issues: Dave Gustafson requested these issues be addressed in an executive session.

3) Brian Simmers: Mr. Simmers was advised he needed to obtain a variance prior to bringing an existing log cabin onto his lot.

4) Steve Dicenso: Town of Alpine attorney is drafting a letter to Steve Dicenso advising his residential home built within his storage unit, without a variance and building permit, may need to be removed.

5) Bull Moose Saloon, Lighting Issue: Essentially, Mr. Blittersdorf failed to modify his electrical plan and gain approval of the lighting changes. Dave Gustafson advised he'd be able to report back to council in two weeks time regarding the fire sprinkling requirements for the Bull Moose.

Overall, Steve Fusco was adamant that outside, contracted services are required to rewrite the entire Planning & Zoning Codes for the Town of Alpine. This issue has been stalled over the years and the council needs to budget monies to address the issue in the next fiscal budget. Treasurer Bennett advised the cost of planner could be shared with other surrounding Towns such as Thayne experiencing the same issues; this is an option to explore.

- **TREASURER'S UPDATE:** Treasurer Bennett advised the Council and Mayor that Profit and Loss Statements for both the water and sewer department's are in tonight's packet of information. Additionally, she has prepared proposed water and sewer department budgets for the next fiscal year's budget which need to be reviewed. The Town was denied the fire hydrant grant from the SLIB due to financial reasons. There is enough money to purchase three new fire hydrants and requested a motion be made to purchase the hydrants.

D.R. Hutchinson motioned to approve the purchase of three (3) new fire hydrants. Don Jorgensen seconded. VOTE: 4-Yes; 0- No; 0- Abstain; 1- Absent (Kathy Swiston).

Treasurer Bennett also asked that the council appoint the Mayor as the first voting delegate for W.A.M. and that she is listed as a secondary voting member. **D.R. Hutchinson motioned to approve Mayor Lloyd as the official voting delegate to W.A.M. and Brenda Bennett as alternate voter. Don Jorgensen seconded. VOTE: 4-Yes; 0-No; 0- Abstain; 1- Absent (Kathy Swiston)**

Treasurer Bennett advised the community response to the animal pound has been awesome with \$400.00 being donated by residents. Treasurer asked whether the Council members and the Mayor had met with their department heads for the budget to which all responded they hadn't met yet. The first meeting regarding the new budget will take place in the middle of May 2005 and this must be completed.

Mayor Lloyd called for a motion to approve Planning & Zoning Minutes. Steve Fusco motioned to approve the 4/12/05 P&Z Minutes. Don Jorgensen seconded. VOTE: 4-Yes; 0- No; 0- Abstain; 1- Absent (Kathy Swiston)

- **231- Resolution No. 01-04-19-2005 - Confluence Info Center –Rural Initiative Grant- Laura Jane Musser Fund--- Due May 1st, 2005:** D.R. Hutchinson read the resolution through the title. Don Jorgensen motioned to approve 231- Resolution No. 01-04-19-2005. Steve Fusco seconded. VOTE: 4 –Yes; 0- No; 0- Abstain; 1- Absent (Kathy Swiston).
- **From the Mayor: 2005 Legislature – Adopted Bills Important to Cities & Towns:** Mayor passed out information he obtained from a recent WAM training regarding newly adopted bills which will affect towns and cities.
- **From the Mayor: HB 1065 Legislation Penalty for the Governing Body:** Kathy Hunt for WAM advised Town's that executive sessions should not be held without the Town's legal counsel present and the Council may only discuss the main issue which the executive session is being called for. If Council violates this new law a \$750.00 fine can be enacted. Additionally, executive meetings can only be held for specific reasons. Carter Wilkinson advised the Town Council has the ability to make a decision in an executive session, however, that decision must be stated in the open public meeting during a regular session.

B. DEPARTMENT UPDATES:

- **STREETS & ROADS:** The Town has received complaints the speed limit sign near Rice-Kilroy Construction is posted at 25 mph and should be 20 mph through the residential zone. Steve Van Valkenburg advised the Council most roads are listed at 25 mph. The Council agreed to look into it further before deciding to change the speed limit. **ITEM TABLED.**
- **SEWER DEPARTMENT:**
- **WATER DEPARTMENT:**
- **PARKS & RECREATION DEPARTMENT:**
- **PLANNING & ZONING COMMISSION:**
- **POLICE DEPARTMENT/COURT:** March 2005 Alpine Police Department given to Council.
- **PERSONNEL/ ADMINISTRATIVE:**

C. ON-GOING BUSINESS/ INFORMATION:

D. INFORMATION DISTRIBUTED TO COUNCIL:

E. FINANCIALS/ UNPAID BILLS:

D.R. Hutchinson motioned to approve payment of the unpaid bills. Don Jorgensen seconded. VOTE: 4- Yes; 0- No; 0- Abstain; 1- Absent (Kathy Swiston)

Mayor Lloyd called for a motion to go into executive session according to Wyoming Statute 15-1-105. D.R. Hutchinson motioned to approve adjourning the regular public meeting and going into executive session. Don Jorgensen seconded. VOTE: 4- Yes; 0- No; 0- Abstain; 1- Absent (Kathy Swiston).

Meeting adjourned at 8:45 p.m.

David Lloyd, Mayor

Date

ATTEST:

Tracy Matthews, Clerk

Date