



**TOWN OF ALPINE
COUNCIL MINUTES
MAY 3RD, 2005**

Mayor Pro Tem, Kathy Swiston, called the meeting to order at 7:00 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. Mayor Lloyd absent and excused. Others present: See attached list.

A. ACTION ITEMS AND NEW BUSINESS:

- **COUNCIL MINUTES:** Mayor Pro Tem Swiston called for a motion to approve the April 19th, 2005 minutes. **D.R. Hutchinson motioned to approve the council minutes. Don Jorgensen seconded. VOTE: 4 – Yes; 0 – No; 0- Abstain; 1- Absent (Mayor David Lloyd).**
- **PLANNING & ZONING MINUTES:** - Don Sherman presented the April 26th, 2005 P&Z Minutes. He explained the next item on tonight's agenda is in regard to the rezoning applications filed by Raver, Songer, Vasko, and Urban to rezone each of their properties from residential to B-1 (Business). The P&Z Commission recommends approval of this rezoning change and wants to see more commercial, retail space created. These four owners are the only four (4) lots remaining in that area which is not B-1 zoned. This area was identified one year prior by the Planning & Zoning for rezoning prior to Dodie Urban's request. Kathy Swiston called for motion to approve the April 26th, 2005 P&Z Minutes. **Steve Fusco motioned to approve the minutes. Don Jorgensen seconded. VOTE: 4-Yes; 0- No; 0- Abstain; 1- Absent (Mayor David Lloyd).**
- **PUBLIC HEARING: *Lakeview Estates Tract C- Block Rezoning Effort* (Owners: Urban, Raver, Vasko, Songer) Lot # 616 N/2, Lot # 616 S/2, Lot # 615, and Lot # 614 in the Lakeview Estates Tract C Subdivision. NOTE: Planning & Zoning Commission is in agreement with rezoning effort.**

Kathy Swiston opened the meeting to the public hearing regarding the rezoning applications. Steve Fusco advised he felt it would be a good idea to rezone these properties when he was P&Z member. Surrounding lot owners were contacted and four (4) were for the rezoning and two (2) were against. All four property owners who filed the variance, of course, are in agreement to rezone their properties. No protests were received at the meeting regarding the rezoning. **Steve Fusco motioned to approve the changing of these residential lots to a B-1 zoning. Don Jorgensen seconded. Vote: 4- Yes; 0- No; 0- Abstain; 1- Absent (Mayor David Lloyd).**

The clerk advised the next step, if approved, is that an ordinance is completed to solidify the zoning change. Three readings of the ordinance are required and approximately 6 weeks before the official change takes effect. The Town attorney advised this ordinance would not be considered as an emergency ordinance and will require three (3) readings. Dolores Urban thanked the P&Z Commission and Town Council toward the first step of addressing the needs of the 'new' Town .

- ***Charlene Bucha Gentry – Confluence Information Center – Line item Budget Request- County Commissioners may help with funding if allow license plate to be issued from the CIC:*** Charlene Bucha Gentry, Grey's River District Ranger, presented the Town of Alpine an award for the partnership of the Confluence Information Center on behalf of Kniffy Hamilton. Ms. Gentry summarized the year-end accomplishments and needs for the Confluence Information Center (CIC). Year end reports were given to the Mayor and Council. The fiscal year runs from October 1st, 2005 to September 30th, 2005. The CIC has

funding to finish this fiscal year and is seeking grants and partnership contributions for the next fiscal year; stable sources of funding is essential. The feedback has been tremendous in the first year of operation to offer forest service products for two forests in a gateway location. Local jobs are being created as well as supporting local businesses. Ms. Gentry requested the Council consider a line-item budget request while completing the new 2006 Fiscal Budget. A letter was given to the Council summarizing the request. The 'older Americans' program paid by the Department of Labor is being utilized to keep the center open currently. However, we are stretching the boundaries and a full-time person is needed to run the center. To keep the center open full-time approximately \$36,000.00 is needed to run the center.

On April 19th, 2005 several partners approached the county commissioners for funding as a major partner in the center by requesting a line-item budget. The feedback from the commissioners has been very positive as they have proposed issuing county license plates from the center if they fund the project. Ms. Gentry asked the Council to consider a motion approving the issuing of license plates from the CIC as the Town owns the building. She feels the work load could be handled by the current CIC staff and is a tremendous opportunity for this end of the valley. Kathy Swiston requested Gentry explain the accomplishments the center has had in the first year of operation. Approximately \$18,000.00 was brought in by grants, in-kind contributions were given by the Town of Alpine, and overhead is low, according to Gentry. The biggest expense in keeping the center open is staffing. The CIC sold \$6,000.00 in product sales from May – December 2004. One February weekend alone 200+ snowmobile stickers were issued from the center. All of this money goes toward the grooming of the snowmobile trails. Visitors from 30 different states and 6 foreign countries visited the center.

The partnerships remain strong with many of the local game wardens and biologists stopping into make sure the information is available from the center. The CIC also provides protection and education for conservation. Gentry discussed her enthusiasm for the commissioners to become a stronger partner in the center and work together to stretch all of the limited budgets by each agency. The issuing of license plates is not a 'done deal' and logistics are being worked out. Don Jorgensen stated he felt the CIC was a great idea for the community and many felt the addition of issuing plates would help local residents to switch their 22-County plates to Lincoln County. **D. R Hutchinson motioned to approve permission for the county to issue license plates from the Alpine Civic Center/CIC. Don Jorgensen seconded. VOTE: 4-Yes; 0- No; 0- Abstain; 1-Absent (Mayor David Lloyd).**

The Council will consider her line item request during its budgeting session. Charlene Bucha Gentry requested the Council appoint a council member to be a part of the CIC board of directors.

- **2nd Reading: 113-Ordinance No. 2005-03** Business License Codes: Ms. Swiston advised the per pool table and per room fees regarding motels/ hotels was removed. Regarding the sexually oriented business requirements have been put on hold until more research is completed. Kathy Swiston read the ordinance through the title and opened the meeting as a public hearing for the second reading for this ordinance.

Juline Christofferson, Business/Owner Local Resident: Ms. Christofferson suggested the Town Council table the whole ordinance and take a closer look at the ordinance as she has experience with drafting legislation. Ms. Christofferson presented many weak areas of the proposed ordinance including section 113-01(b) ii: single ownership. She suggests this section's language is confusing and can be misconstrued that any one in a partnership is exempt from this ordinance. Additionally, the 'transient business' language she feels is discriminating within the ordinance and can bring possible litigation. All terms within the ordinance have not been defined which are used in the ordinance. The 'art studio' language she feels is wildly out of place and does not need to be in the ordinance and should be removed. Exotic dancing has been challenged as an art form in other areas within the country. The legal definition for 'saloon' may not be contained in Wyoming Law according to Christofferson. She discussed the fact the Bull Moose exotic dancing in grand-fathered and is taken care of by the sexually oriented business codes. Several pieces of the old ordinance appear in the new ordinance and may need to be removed and rewritten. The ordinance begs for redrafting and expressed concerns regarding 'due process' issues. She feels the Town cannot conduct a hearing on appeal in which the person presenting the

opposing evidence is making the decision whether the license will be revoked. She questioned what the verbiage the 'licensing body' referred to as it was not defined. The ordinance does not clarify who will be fined up to \$750.00. If the Town argues the sexually oriented business requires more police attention and therefore, and then 2/3 of this money is given to an economic development board they are defeating their own argument. She wonders if her distributors to the restaurant and business are they going to be required. How will it be enforced? Enforcement must be consistent and fair. She asked them to step back and table the item and research it further for intent, the best way to get it done, etc. Juline Christofferson advised not finding the definition 'primary business' within the ordinance. The council requested Ms. Christofferson supply her list of concerns to the Town's attorney. She feels the 'miniscule' amount of money generated from the raising of the rates will not offset the Town's attorney's fees for future litigation against the town. Kathy Swiston thanked Ms. Christofferson for pointing out these serious issues with this draft ordinance.

Bert McNeel, local resident: Mr. McNeel questioned why the ordinance was being done at all and who came up with this. Kathy Swiston advised a compilation of several communities was gathered and medium was found in regard to the fees proposed and that was hopefully fair. The attempt was to generate more money for the CIC, for example. He can understand more money is needed but feels picking and choosing the rates is wrong. He feels a 50% jump is too high. Don Jorgensen clarified for Mr. McNeel a Recycling Center may impact the Town as we are responsible to ensure the private land is not spilling contaminants. Clerk clarified that the economic development fund was modeled after other communities such as Afton who contribute 100% of their business licenses to this funds. The funds will be available to all local business such as Mr. McNeel's Top of the Rockies club last year and she asked whether Mr. McNeel remembered the SnoWest ads the community participated in and as a council member he was a part of. The clerk advised this advertising money must come from somewhere to supplement the local businesses. She asked whether he was against the economic development or the proposed rates. Mr. McNeel stated is not against the economic development portion of the ordinance. He suggested a \$50.00- \$65.00 flat across the board fee be imposed. Kathy Swiston thanked him for his comments.

Don Sherman, local resident: Don Sherman cautioned the Council regarding raising their business license fees in hopes of generating more businesses – a goal for the Council and P&Z Commission. He liked the idea of a flat rate across the board.

Diggs Lewis, local resident: Mr. Lewis advised he lives outside of Town and states the Town of Alpine is impacting him. He is the president of the Top of the Rockies. He has heard the Town is trying to scare everyone out of the Town of Alpine and is a bunch of 'crap'. He feels the larger businesses such as Jenkins Lumber should be paying more and likened the business to a 'cash cow.' He is not against the economic development concept, and feels the rate structure is too complex. The clerk advised over \$3,500.00 was spent by the Town last year alone to publish in the SnoWest Guide and advised that money has to come from somewhere. He stated the Top of the Rockies can even give money to the Town if needed. The clerk clarified again it is not the Town generating money for itself rather creating economic development funds which would benefit the business sector as a whole and to give back to them. He is against the rate structure as it is proposed. He stated that the Town receives \$1,200.00 for every liquor license. The clerk clarified, as she helps to process the licenses, each year this is incorrect. She clarified that it depends on the type of license (retail, restaurant, etc.) and other factor such as the dispensing area. He asked why the saloon and bar would be purchasing a liquor license and then turning around and being billed for a business license. The clerk stated the mere fact it is a business in the Town of Alpine requires all businesses to be licensed. He suggested a 5% or 10 % fee rate is appropriate rather than 100%. Mr. Lewis maintains he has never seen the Alpine budget published. Kathy Swiston advised he is able to call the Town at any time and ask a for a budget. The clerk asked Mr. Lewis if he had ever called the Town office for a copy of the budget and he replied he had not because other Town publish in the paper. Mr. Lewis demanded to know what recourse the community has to overturn this ordinance if its passed. He states 5% of the vote from the last election is needed to start a referendum.

Steve Fusco, local resident/ council member: He advised in speaking with local business owners they were comfortable with paying higher business license fees as the return they will get in advertising. The money has to come from somewhere and the Town's pockets are not deep enough.

Alana Songer, local resident: She questioned if a business has more than one service. In the past Kathy Swiston has advised only the primary business is responsible for the license. She then added that as a masseuse she was responsible for obtaining her own business license in addition to the beauty salon's license.

Karla Stone, business owner/ local resident: Karla Stone advised she is in agreement with a flat rate and is not opposed to raising it to \$50.00. She suggested the Town follow suit with Thayne, Wyoming which offered business incentives and reduced water and sewer billing. She feels her business water rate is higher than a family of 5 and is not conducive to enticing business. The clerk advised the standard base rates charged for water and sewer must pay for the systems. She would like to see us entice businesses to the community.

Clark Songer, local resident: Requested to know how much revenue will be generated. The clerk advised that only a portion of the economic development needs will be raised by raising the rates. He questioned what revenue would be generated by flat rates vs. varying rates. Kathy Swiston responded it would take some number crunching to know at this point.

Don Jorgensen, local resident/ council member: Thanked everyone for their input as the last reading of this ordinance there was no input.

Steve Fusco, council member: Wants to keep the momentum of the ordinance moving toward resolving the issues.

Don Jorgensen motioned to table the second reading of the 113-Ordinance No. 2005-03 to allow further input and investigation. Steve Fusco seconded. Vote: 4-Yes; 0- No; 0- Abstain; 1- Absent (Mayor David Lloyd).

D.R. Hutchinson motioned to approve removing the \$500.00 sexually oriented business license from this draft. Don Jorgensen seconded. VOTE: 4-Yes; 0- No; 0- Abstain; 1- Absent (Mayor David Lloyd). THE SECOND READING OF THIS ORDINANCE WILL BE AT THE NEXT COUNCIL MEETING ON MAY 17TH, 2005.

- **118-Ordinance No. 2005-08 3rd Reading: Permanently Establishing Alpine Police Department:** Kathy Swiston read the ordinance through the title and asked for feedback or discussion of the proposed ordinance. **Don Jorgensen motioned to approve 118-Ordinance No. 2005-08 as a third reading with the changes noted. Steve Fusco seconded. VOTE: 4- Yes; 0-No; 0-Abstain; 1- Absent (Mayor David Lloyd).**
- **119- Ordinance No. 2005-09 3rd Reading: Permanently Establishing Municipal Court:** Kathy Swiston read the ordinance through the title.

Steve Fusco motioned to approve 119-Ordinance No. 2005-09 as a 3rd reading. Don Jorgensen seconded. VOTE: 4- Yes; 0- No; 0-Abstain; 1-Absent (Mayor David Lloyd).

- **230 –RESOLUTION NO. 1-05-03-2005 USDA RURAL BUSINESS OPPORTUNITIES GRANT (R.B.O.G.) for the Alpine Area Comprehensive/ Master Plan:** Kathy Swiston read the resolution in its entirety. The grant is for \$50,000.00 request to add to the \$10,000.00 that Karen Perry's administration set aside for the master/ comprehensive plan. The clerk advised Paula Stevens is assisting her in writing the grant application this year which is a very competitive grant as Alpine lies in a district with Utah and surrounding states. Kathy Swiston asked for a motion to approve the resolution. **D.R. Hutchinson**

motioned to approve 230- Resolution No. 1-05-03-2005. Steve Fusco seconded. VOTE: 4-Yes; 0- No; 0- Abstain; 1- Absent (Mayor David Lloyd).

- **Abi Garaman, Owner Flying Saddle Lodge- Letter of Intent to Annex:** Kathy Swiston read the April 16th, 2005 letter from Flying Saddle Lodge owner Abi Garaman which details his intent to annex. The Council would like to invite Mr. Garaman to the next Council meeting and asked he bring a map of the proposed area to be annexed. Additionally, the clerk will check with the Wyoming Liquor Division as to whether the retail liquor license would be ' grand fathered' into the Town of Alpine if the area is annexed.
- **MIKE HALPINE ALPINE MEADOWS ANNEXATION PETITION:** The clerk advised the annexation report is pending the completion of the annexation report required by state statute for the Town of Alpine to complete. A public hearing will be held once the annexation report is completed.

B. DEPARTMENT UPDATES:

• **STREETS & ROADS:**

• **SEWER DEPARTMENT:**

WATER DEPARTMENT: 2004 EPA Excellence Award: Certificate of Recognition for perfect bacteriological compliance during the year 2004

• **PARKS & RECREATION DEPARTMENT:**

- **PLANNING & ZONING COMMISSION:** Reissued Letter April 19th, 2005 Proposed P&Z Meeting Procedures- Dave Gustafson. Council advised they would like to see these procedures as a draft ordinance.
- **POLICE DEPARTMENT/COURT:** Council expressed their extreme disappointment that Mr. Van Valkenburg is resigning from the Alpine Police Department. Mr. Van Valkenburg thanked the Council for their support.
- **PERSONNEL/ ADMINISTRATIVE:**

C. ON-GOING BUSINESS/ INFORMATION:

- **TABLED 4-19-05:** Proposed Lowering of the Speed Limit from 25 mph to 20 mph near Rice-Kilroy Construction. **TABLED AGAIN 5/3/05**

D. INFORMATION DISTRIBUTED TO COUNCIL:

E. FINANCIALS/ UNPAID BILLS:

D.R. Hutchinson motioned to approve payment of the unpaid bills. Steve Fusco seconded. VOTE: 4-Yes; 0- No; 0- Abstain; 1- Absent (Mayor David Lloyd).

Kathy Swiston called for motion to adjourn into executive session. **D.R. Hutchinson motioned to adjourn and move into executive session. Don Jorgensen seconded. VOTE: 4-Yes; 0-No; 0- Abstain; 1-Absent (David Lloyd Mayor)**

Meeting adjourned at 8:45 p.m.

Kathy Swiston, Mayor Pro Tem

Date

ATTEST:

Tracy Matthews, Clerk

Date