



**TOWN OF ALPINE
SPECIAL COUNCIL MEETING**

**144 – ORDINANCE NO. 2006-14
3RD AND FINAL READING MICROBREWERY ORDINANCE**

DECEMBER 21ST, 2006

Please note: These minutes are a summary only of a tape-recorded meeting.

(clerk's note: Tape # 1 of 2 starts here)

Don Jorgensen, mayor, called the meeting to order at 7:05 p.m. and conducted the pledge of allegiance. The clerk established a quorum through a roll call. Council members present: Marietta Lanphear, D.R. Hutchinson, Shirley Brown, and Donn Wooden. Mayor Don Jorgensen also present.

Staff Present: Tracy Matthews, Clerk.

Others: Victoria DeCora, Mayor elect.

Mayor Don Jorgensen read the proposed ordinance through the title and first few paragraphs. Shirley Brown advised changes were made to "Paragraph B" from the last reading. **D.R. Hutchinson motioned to pass 144-Ordinance No. 2006-14 on 3rd and final reading with the changes that were made to Section B that requires an owner of a microbrewery permit to obey all other Town ordinances including but not limited to planning, zoning, inspection, waste discharge, etc. prior to commencement of operation of the microbrewery. Donn Wooden seconded. Mayor Jorgensen called for further discussion to which the following comments were received:**

Shirley Brown, Council: Ms. Brown advised she will have to again vote "no" for the ordinance and explained that she had spent the good part of her day trying to obtain emergency assistance to a family with 5 children, ages 6 weeks to 7 years. The American Legion Auxiliary did provide food and assistance and when entering the home they found garbage piled in the kitchen and trash cans full and spilling over of beer bottles from the father's drinking. In Ms. Brown's opinion she feels this ordinance will just make it easier for the father to obtain alcohol and the children need food.

Victoria DeCora, Mayor Elect: Ms. DeCora advised the issue is a social one and community issue. The Town cannot legislate morality according to Ms. DeCora. Ms. Brown advised that it goes beyond legislating morality and referenced the fact tax payer's money pays the salaries of the welfare agency that must deal with families like this. Ms. Brown advised the taxing of liquor is very little.

Don Jorgensen, Interim Mayor: Don Jorgensen advised that the great nation of the United States was founded on freedom—freedom of religion, speech, and lifestyle choice. He agreed that the father drinking while the children need care and food is wrong; however, he is not in the position to regulate drinking.

Donn Wooden, Council: Donn Wooden acknowledged Shirley's vote as a "conscientious objection" vote; however, advised the Town of Alpine cannot deny the right to license a business that is allowed by state statute. He feels the consumers of alcohol can go right down the road to obtain alcohol in other communities. He stated that if Ms. Brown truly had her way there would be no outlets for liquor or beer in the community to which Ms. Brown advised she isn't asking for that at all. Donn Wooden feels that in essence is what she is objecting to as it is what the alcohol and beer do to people decision making. He feels it is better to offer beer and liquor sales here in the community rather than people driving to obtain the alcohol. Donn Wooden respects Ms. Brown choice, but he does not feel the council should vote the same. The Council is giving the saloon the legal right to conduct their business and if the alcohol consumer chooses to abuse the use of the alcohol this cannot be controlled by the council.

Shirley Brown, Council: Ms. Brown advised while attending the coalition meeting on December 9th, 2006 it was brought up that several accidents occurred on a particular stretch of road due to drunk driving. According to Ms. Brown employees, after hours, were taking their beer and alcohol and drinking after work on their way home. She advised that taxes are minimal for alcohol sales and in comparison the costs for alcohol rehabilitation programs are very costly to the taxpayers of Wyoming. Ms. Brown asked, at this other meeting, why the alcohol tax couldn't be raised and the senator in attendance advised taxes should be lowered not increased. The clerk offered that Ms. Brown is correct that alcohol and treatment programs are costly to the taxpayer as she worked as a social worker in the Wyoming system. The clerk offered that possibly the issue should be discussed with state representatives who can affect change at the state level.

Donn Wooden, Council: Mr. Wooden felt that the issue is State Legislative action not the council's actions tonight. Mr. Wooden does not feel the drinking will increase due to adding a new microbrewery in the community. Raising the excise tax on alcohol should be brought to the state legislator's attention for this next legislative session. The clerk brought to council and mayor's attention the new legislative handbook was handed out at the last council meeting.

D.R. Hutchinson, Council: The mayor and council discussed the fact the census for the current population is very low and Mr. Hutchinson advised the coalition is trying to mandate changes which would require the State to conduct interim censuses every 5 years so that revenue streams keep up with population increases and decreases. In 1994 the Council spent \$5,000.00 to purchase an additional census. With the laws written as they are, the Town actually received only a small portion at that time which was based off this new census.

Donn Wooden, Council: Mr. Wooden advised there are 980 people (not 550 according to the last census) living in the Town boundaries.

D.R. Hutchinson, Council: Mr. Hutchinson advised that at Tuesday night's council meeting this week the oath that was read indicated that the Town is sworn to uphold the law of the State, County, and Town and nowhere in this oath does it discuss morality. Mr. Hutchinson stated that people age 21 have the right to drink alcohol and if it affects taxes it is irrelevant. Mr. Hutchinson advised that at last year's liquor license renewal there were several people wanting to pull the Bull Moose Liquor License saying it was "God's Will," people shouldn't be drinking, and the license shouldn't be renewed. Mr. Hutchinson felt not once did these people mention any legal base for denying the liquor license renewal and were using morality and religious beliefs. Ms. DeCora advised morality cannot be legislated to which Ms. Brown offered that it wasn't just morality that was being discussed that night and legal things were also discussed.

Donn Wooden, Council: Mr. Wooden advised the meeting was getting off track and the issue at hand is the third reading of the Microbrewery Ordinance.

Don Jorgensen asked for any further discussion regarding the microbrewery ordinance to which the following was received.

Shirley Brown, Council: Ms. Brown questioned why there is even a council. Mr. Jorgensen advised as elected officials their job is not to represent one person but rather the whole community and he votes accordingly. Mr. Jorgensen advised that she has the right to vote as she sees fit.

Victoria DeCora, Mayor Elect: Ms. DeCora stated that the Town and community is so divided and she would like to work on this division. The community is suffering as a result of this division.

Mayor Jorgensen advised there is a motion the floor and a second to approve, on third reading, the Microbrewery Ordinance. **VOTE: 4-Yes; 1-No (Shirley Brown); 0- Absent; 0- Abstain.**

Mayor Jorgensen advised, after checking with the Town's attorney, the council can motion to approve the Bull Moose Saloon's request for a Microbrewery license tonight and he asked for a motion. **D.R. Hutchinson so moved. Donn Wooden seconded.** The clerk clarified the fact the application has been filed and obtained the actual permit application

Special Council Meeting
144- Ordinance No. 2006-16
3rd & Final Reading Microbrewery Ordinance

for the council's review. To the clerk's knowledge there is no oversight from the State from the health department prior to operating the microbrewery. The clerk agreed to check with the State of Wyoming. The Town would of course cover the inspections in regard to the International Plumbing Code, International Building Code, and compliance with discharge standards for the sewer collection system, but the health inspection would be from the State. The clerk advised the Town is charting new territory and she agreed to contact the State Liquor Division for clarification. The council and mayor agreed that any inspections regarding plumbing and construction would be at the cost of the owner.

Donn Wooden felt that standards should be set which dictate the standards that he owners must meet before selling the microbrew. After lengthy discussion whether to table or approve the permit application for the Bull Moose Saloon it was decided the current ordinance does cover what is needed through the ordinance. **Mayor Jorgensen called the vote. VOTE: 4- Yes; 1- No (Shirley Brown); 0- Abstain; 0- Absent. Motion carried.**

Mayor Jorgensen advised that a barrel of beer equals 31 gallons according to Elizabeth Koeckeritz. **Mayor Jorgensen called for a motion to adjourn the meeting. D.R. Hutchinson so moved. Marietta Lanphear seconded. VOTE: 5- Yes; 0- No; 0- Abstain; 0- Absent**

The Mayor adjourned the meeting at approximately 8:35 p.m.

Don Jorgensen, Mayor

Date

ATTEST:

Tracy Matthews, Clerk

Date