



## Town of Alpine

Lincoln County Planning and Development Office  
925 Sage Avenue, Suite 201  
Kemmerer, WY 83101

RE: Star Valley Development, LLC

Dear Members,

Thank you for allowing me to provide you with written comments about the Star Valley Land Development LLC's Planned Unit Development (PUD). I thought it was important to provide you with the historical timeline surrounding the issuance of the Will-Serve letter to Star Valley Land Development, LLC by the Alpine Town Council. See below:

1. June 15, 2021: Mayor Lutz reported to Council Rendezvous Engineering was looking at whether the town has capacity to service this project. Minutes attached.
2. July 20, 2021: Town Council was updated on the Will Serve Request from Great Lakes Capital and Site Plans Revisions. The Town Council approved a Water & Sewer Capacity Study to be completed. Minutes attached.
3. December 21, 2021: Letter from Rendezvous Engineering to Kennis Lutz, Mayor of Alpine, was presented to Town Council RE: Alpine Trail Head/16-acre Parcel Concert/Water-Sewer Service. Attached.

(Note – the current average daily flow to the Alpine Wastewater Treatment Plant is approximately 30% – 35% of the total plant capacity. In the winter months average daily flows fall to about 25% - 28% of the total plant capacity.)

4. December 21, 2021: Town Council took action to provide a Will-Serve Letter for Water and Sewer to Alpine Trail Development south of the Town of Alpine city limits. Minutes attached.
5. December 19, 2022: Jeremie Moore, Serenity Inc, contacted Deputy Clerk Monica Chenault about not receiving a Will-Serve Letter from the Town. Email attached. December 28, 2022: Rendezvous Engineering received approval from Mayor Lutz to finalize two Will-Serve Letters (Cobblestone Hotel and Star Valley Land Development). Email and Star Valey Land Development Will-Serve attached.

6. January 4, 2023: Mayor Eric Green was sworn in and new administration was established.

In analyzing the historical timeline, it has become apparent to me that the Capacity Study approved by the Alpine Town Council in 2021, was not completed. I do recognize the capacity of the Wastewater Treatment Plant (WWTP) is sufficient to service the Star Valley Development LLC PUD, while understanding that flow it generates is approximately 13% of the total capacity of the WWTP. The letter submitted to the Alpine Town Council on December 21, 2021, clearly states that "it should not be difficult to supply 1000 gpm for fire flow". Because the Capacity Study was not completed, at this time, it is not clear to me that the water system could deliver the 1000 gpm required fire flow in 2021.

The Town of Alpine is currently undertaking a Water Master Plan however the results of that study will not become available until late 2025.

In closing, it is my opinion that the Town of Alpine needs to assure its current and future users that the promises made by the previous administration by way of issuance of a Will-Serve letter to Star Valley Land Development, LLC., is a promise that can be kept.

I respectfully request that the Lincoln County Planning Commission table any action on the Star Valley Development, LLC PUD for a minimum of 60 days to allow me to direct the staff and our engineers to determine if we can provide adequate fire flows to the Alpine Trailhead Project.

Respectfully,



Mayor Eric Green  
Town of Alpine, WY

CC: Alpine Town Council  
James Sanderson, Sanderson law



**Town of Alpine  
COUNCIL MEETING MINUTES**

**DATE: June 15, 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 Fritz moved to amend the agenda to add, "Approval of Catering Permit for TI DAN Inc. for Mountain Days" and then to adopt the agenda as amended. Councilman Larsen 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 – May 18, 2021**

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

**Approval of 24-Hour Malt Beverage Permit (Two Days) for Alpine Mountain Days June 25-27, 2021 – Melvin Brewing**

**Approval of Catering Permit (Two Days) for Alpine Mountain Days June 25-27, 2021 -TI DAN INC.**

**Councilman Fritz moved to approve the Consent Agenda as amended. Councilman Larsen seconded the motion.** There was no discussion. **Vote: 5 Yes, 0 No, 0 Abstain, 0 Absent. Motion Carried.**

**5. ACTION ITEMS/NEW BUSINESS:**

- **Presentation on DMOS – Ms. Susan Pieper**

Mayor Lutz stated that Ms. Pieper could not attend the meeting but will be placed on the July 20, 2021 agenda.

- **Motion to Authorize Mayor Lutz to Sign the American Rescue Plan Act Application (ARPA), US Treasury Coronavirus State and Local Fiscal Recovery Funds Acceptance Form and the Assurance of Compliance with title VI of the Civil Rights Act of 1964 to Enable the Town of Alpine to Receive Funding from the State.**

Ms. Sharon Backus stated that these are federal COVID Relief funds that Wyoming may distribute to the cities/towns. Some entities may choose not to participate, and others may not qualify.

Several documents need to be signed to apply for the grant funds. First is the document stating that we will accept the funds, one is to assure compliance with the Civil Rights Act of 1964 and lastly documents for the U. S. Treasury. If the town is successful, it is estimated that the town will receive \$140,000 in ARPA funds, half to be distributed June 25, 2021, and the other half a year from now. To receive the funds, the town must apply. These forms were in the council packet.

**Councilman Larsen moved to authorize Mayor Lutz to sign the American Rescue Plan Act Application (ARPA), US Treasury Coronavirus State and Local Fiscal Recovery Funds Acceptance Form and the Assurance of Compliance with title VI of the Civil Rights Act of 1964 to enable the Town of Alpine to receive funding from the State. Councilman Fritz seconded the motion.** There was no discussion. **Vote: 5 Yes, 0 No, 0 Abstain, 0 Absent. Motion Carried.**

- **Atlas Tower Request for Cell Tower Lease in Alpine – Mayor Lutz**

Mayor Lutz asked the council if they had reviewed the proposed cell tower lease from Atlas Tower. The site was discussed. Mr. Sanderson stated that he did not think that this was a great deal plus you might want to ask the neighbors if they want a cell phone tower near them. The lease offers \$1,000 per month. It is a twenty-year lease. The funds would be nice, but does the town really need the money.

Mayor Lutz concurred and stated that the obvious place for this would be in the county, but obviously the county does not want this, or Atlas would not have come to the town with the proposal. The town has other property in Alpine Meadows but would not stick a tower in the middle of that subdivision. Mayor Lutz stated that the town does not have a good location for this.

Councilman Larsen directed the council's attention to the countries doing business with Atlas other than the United States which include Kenya and South Africa. There are more questions than answers. Mayor Lutz stated that his recommendation is to decline the offer. The remainder of the council concurred.

Mr. Sanderson stated that it would be nice to respond, so he will respond to Ms. Wullner declining the offer on behalf of the Town of Alpine.

- **Planning and Zoning Commission Update – Tim Harnett**

Mr. Tim Harnett of the Planning and Zoning Commission reported that there had been a Board of Adjustments meeting on June 8, 2021 where the Bianchin Variance request was decided. The request was to move the building envelope further to the east because the property to the west is encroaching upon the setback. The Board of Adjustments did not believe there was an undue hardship, so the variance request was denied. Also, Mr. Bianchin did not have a house plan to present. There is plenty of room to build a nice house with a view to the north. This is a small encumbrance on Mr. Bianchin from the adjacent land. The variance denial was a unanimous decision.

The commission had some citizens express their concerns about "unsightly property". This is from a previous email which the council asked the commission to review and comment on. The commission did not have much that they could commit to except to have a public workshop on Thursday, June 17, 2021, at 6:30 p.m. to discuss and define unsightly items are. Is unsightly your camper, your boat that has not been used in two years and so forth. Eight town residents showed up at the meeting. It is not in the scope of the commission to approve anything, so we scheduled a workshop and invited the council.

Mayor Lutz asked if the workshop had been advertised. Mr. Hartnett said it had been advertised and Mr. Sanderson stated that if no decisions were made, this advertising would suffice.

Mr. Hartnett stated that the commission is looking for language to add to the Land Use and Development Code (LUDC) to clarify this for the compliance officer. The commission would like council input.

Mr. Hartnett stated that at the next meeting, the commission is expecting five or six new house plans for approval.

- **Adopt on Third Reading 278 Ordinance No. 2021-01 "An Ordinance Amending the Town of Alpine Budget for Fiscal Year 2020/2021 as Adopted by the Town of Alpine on June 16, 2020".** Sharon Backus, Clerk/Treasurer read 278 Ordinance No. 2021-01 into the record.

**Councilman Larsen moved to amend on third reading 278 Ordinance No. 2021-01 "An Ordinance Amending the Town of Alpine Budget for Fiscal Year 2020/2021 as Adopted by the Town of Alpine on June 16, 2020 by decreasing total revenue to \$2,897,000; decreasing total expenditures to \$2,894,000 and to adopt as amended. Councilman Fritz seconded the motion. There was no 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](http://alpinewy.org)*

- **Adopt on Third Reading 279 Ordinance No. 2021-02 "Town of Alpine Budget for Fiscal Year 2021/2022".** Sharon Backus, Clerk/Treasurer read 279 Ordinance No. 2021-02 into the record.

**Councilman Larsen move to amend on third reading 279 Ordinance No. 2021-02 "Town of Alpine Budget for Fiscal Year 2021/2022" by increasing total revenue to \$6,658,000; increasing total expenditures to \$6,655,000 and to adopt as amended. Councilman Fritz seconded the motion. There was no 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](http://alpinewy.org)*

- **Adopt on Third Reading 280 Ordinance No. 2021-03 "An Ordinance Annexing Certain Land to the Town of Alpine and Approving the Alpine Flats Annexation" and Authorize Mayor Lutz to sign the Mylar.** Sharon Backus, Clerk/Treasurer read 280 Ordinance No. 2021-03 into the record.

**Councilman Larsen move to adopt on third reading 280 Ordinance No. 2021-03 "An Ordinance Annexing Certain Land to the Town of Alpine and Approving the Alpine Flats Annexation" and to authorize Mayor Lutz to sign the Mylar. Councilman Fritz seconded the motion. There was no discussion. Vote: 5 Yes, 0 No, 0 Abstain, 0 Absent. Motion Carried.** Mayor Lutz signed the Mylar and Sharon Backus, Clerk/Treasurer attested the execution of requisite documents. *The aforementioned Ordinance may be viewed in the Town Office or on the website at [alpinewy.org](http://alpinewy.org)*

Mayor Lutz asked Mr. Cady when they planned to start digging the utilities. Mr. Cady stated that there was a delay because the Department of Environmental Quality (DEQ) needs a will-serve letter from the town regarding sewer capacity. Mayor Lutz stated that the town had already approved a will-serve letter for this project. Mr. Drew Hale stated that a study has to be performed to assure

capacity and their engineers were working with Mr. Ablondi. Mr. Cady stated that there are awaiting the DEQ approval. Mayor Lutz stated that this project is holding up Silver Star Communication's project.

- **Adopt on First Reading 281 Ordinance No. 2021-04 "An Ordinance Annexing Certain Land to the Town of Alpine and Approving the Elk Meadows Annexation"**. Sharon Backus, Clerk/Treasurer read 281 Ordinance No. 2021-04 into the record.

**Councilman Larsen moved to adopt on first reading 281 Ordinance No. 2021-04 "An Ordinance Annexing Certain Land to the Town of Alpine and Approving the Elk Meadows Annexation". Councilman Fritz seconded the motion.** Mr. Hartnett asked where the property was located. There was no other discussion. **Vote: 5 Yes, 0 No, 0 Abstain, 0 Absent. Motion Carried.**  
*The aforementioned Ordinances may be viewed in the Town Office or on the website at [alpinewy.org](http://alpinewy.org)*

- **Adopt on First Reading 282 Ordinance No. 2021-05 "An Ordinance Regulating the Traffic of Intoxicating Beverages and Repealing and Replacing 250 Ordinance No. 2017-05 and Providing for an Effective Date"**. Sharon Backus, Clerk/Treasurer read 282 Ordinance No. 2021-05 into the record.

**Councilman Larsen moved to adopt on first reading 282 Ordinance No. 2021-05 "An Ordinance Regulating the Traffic of Intoxicating Beverages and Repealing and Replacing 250 Ordinance No. 2017-05 and Providing for an Effective Date". Councilman Burchard seconded the motion.** Sharon Backus, Clerk/Treasurer stated that at the last legislative session revisions were made to Title 12 which governs alcoholic beverages. As a result of that, the town is required to bring our existing ordinance into compliance with the new State Statutes which go into effect on July 1, 2021. Counsel went through the existing ordinance to make sure the new language is in our ordinance. The other thing that needed review was that the license fees complied to the statute. Two of the town's current fees needed to be changed. One is the Bar and Grill Permit and the other is the Microbrewery Permit. The Bar and Grill fee may be increased on third reading if you choose to do so. This is all being done to bring the town into compliance with the legislative changes going into effect. Lincoln County is also keeping watch on the town and had made contact to see if the requisite changes are being made. Mr. Sanderson commented on his changes such as to allow phone-in orders and deliveries. The need to change the seal on "slushies" was discussed. There was no other discussion. **Vote: 5 Yes, 0 No, 0 Abstain, 0 Absent. Motion Carried.**  
*The aforementioned Ordinances may be viewed in the Town Office or on the website at [alpinewy.org](http://alpinewy.org)*

- **Motion to Authorize Mayor Lutz to Sign the Letter of Agreement with Peaks Investments to Invest Town Funds.** Sharon Backus, Clerk/Treasurer stated that the council needs a motion to authorize Mayor Lutz to sign the Letter of Agreement with Peaks Investments to invest town funds. Ms. Backus then read Letter of Agreement into the record. Ms. Backus explained that there are two entities in the investment strategies. One requires the Letter of Agreement and the second, the proposed resolution to be considered.

**Councilman Larsen moved to authorize Mayor Lutz to sign the letter of Agreement with Peaks Investments to Invest Town Funds. Councilman Fritz seconded the motion.** Councilman Larsen asked about the plan as far as timing in years. This will be developed once the document to participate are signed. Mayor Lutz stated that the funds are liquid and there is no dollar commitment required. The earning potential is better than other investments at this time. Current Certificates of Deposit were

discussed. Ms. Backus described the current investments. **Vote: 5 Yes, 0 No, 0 Abstain, 0 Absent. Motion Carried.**

- **Motion to Adopt 279 Resolution No. 06-15-2021 "A Resolution Authorizing Participation in the Wyoming CLASS" to Pool Funds for Investment.** Sharon Backus, Clerk/Treasurer read 479 Resolution No. 06-15-2021 into the record.

**Councilman Larsen moved to adopt 279 Resolution No. 06-15-2021 "A Resolution Authorizing Participation in the Wyoming CLASS" to Pool Funds for Investment. Councilman Fritz seconded the motion.** There was no other 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](http://alpinewy.org)*

- **Motion to Set Fees for the Town of Alpine Event Application Permit Required for Private Events on Town Property Excluding the Town of Alpine Civic Center.** Mayor Lutz stated that this came up a few months ago but no fee had been set. Mayor Lutz asked the events planners from Melvin Brewing how their recent event went. The report was positive for attendance and feedback received.

Ms. Backus stated that the council had adopted the event permit at the last meeting contingent upon setting fees. The council needs to come up with a fee schedule and a substantial cleaning deposit, something not readily forfeitable. For the cleaning deposits the staff typically takes a credit card number and charges the card if the event is not cleaned up. The council needs to make a motion to set the fees and cleaning deposit. Discussion ensued regarding time of the year, residency and individual versus commercial.

**Councilman Larsen moved to set the fees at \$50 for resident individual event rental; \$100 for resident commercial event rental; \$100 for non-resident individual event rental; \$200 for non-resident commercial rentals; \$500 for resident cleaning deposit; \$1,000 non-resident cleaning deposit either to be refunded or charged based on the decision by the Compliance Officer; with winter events having a sunset date of ninety days with refund; and with residency defined as residing within the Alpine Fire District. Councilman Fritz seconded the motion.** There was no other discussion. **Vote: 5 Yes, 0 No, 0 Abstain, 0 Absent. Motion Carried.**

- **Irrigation Wells in Town of Alpine – Mayor Lutz**

Mayor Lutz stated that the town has annexed properties that have irrigation wells, one is Timberview Estates, and one is Targhee Place. The town has an old ordinance, 158 Ordinance No. 2007-14 prohibiting any new irrigation wells in town after the sunset date of February 28, 2008. The new RV park is going in across from the bridge and they have drilled an irrigation well to help keep the grounds green. The airpark has irrigation wells and you do not keep things green by paying \$2/1,000 gallons to irrigate. The airpark is not in the town, but Timberview is. Mayor Lutz stated that he does not have any objection to irrigation wells but not on every one-third acre lot. The town needs some guidelines of what qualifies and what does not. The RV Park is going to annex into the town but if we cut their irrigation off it will be a desert there. We should be able to use the water around us without putting a burden on the town's water system. Twenty years ago, the town wanted to sell water to boost water sales to support the water department. Now we can say, put your own well in so we do not tax the town's system. Mayor Lutz stated that the town needs a new ordinance to allow irrigation wells based on acreage for example. Mr. Sanderson suggested that the town engineer be consulted. Mayor Lutz stated that the Town of Alpine could

benefit from an irrigation well to water the enhancement and parks. This would take pressure off the town water system. It would be nice to have green all the way from the Flying Saddle to Bananas, but our system cannot handle that. Mr. Sanderson stated that all wells are subject to State Engineer's approval. The public offered their comments and questions about cost effectiveness, well capacity, tie-in to mega well and fire protection. Mayor Lutz stated that these decisions are a work in progress.

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

Mayor Lutz reported that the Master Plan Review has had four meetings. The committee got sidetracked. The committee's task was to come up with zoning areas for different applications be it Light Industrial, Multi-Family or Commercial. The committee took a helicopter ride over the town generously provided by a member of the committee. Mayor Lutz stated that the committee started off in that [zoning] direction but quickly got sidetracked into working on schools. The School Board came and gave us a report on the town's abilities for schools based on land availability; what acreage is required for elementary, middle and high schools. The town has enough land available to do the first two but not a high school. That distracted the committee for two meetings so we were tasked at the last meeting with doing a survey to ask the community what they would like to see. The survey is not specific to any certain area or topic. It is to determine what you want to see and where do you want to see it. The committee has been sending their input to Mr. James Dubisz, the committee member who will develop the survey. One committee member will be gone for a month, so we have stayed any meetings for a month until we get the survey out and maybe some results back. Mayor Lutz stated that the committee does not have time to waste personally in their personal lives to be stuck and get sidetracked by things that are not the task we have in front of us so that is where we are.

Mayor Lutz asked the public for comments. Positive comments on the committee's progress and discussions were received from Ms. Kathy Owsiany. Mr. Ken Cady stated that the number one thing he has encountered in his development projects is schools, especially a high school. Mayor Lutz stated again that the Town of Alpine does not have enough land for a high school and pointed out the town boundaries. The town cannot deal in supposition. Mayor Lutz explained again the capacity for sewer and water and that the town is doing a study on the capacity of sewer and water service. Councilman Larsen stated that while it was nice to have the School Board here, the only question he had for them was land requirements for the various types of schools. Councilman Larsen reiterated that zoning is the task of the committee.

- **Update on Will Serve Request from Great Lakes Capital – Kennis Lutz**

Mayor Lutz asked if the council had any comments on the Great Lakes request. The town engineer is still looking at whether or not the town has the capacity to service this project. The town has a finite sewer capacity. The question is how far the town can extend the services without using up the capacity. Mayor Lutz stated that this was a residential project and is terribly dense, very little open space and little to no snow storage. Mayor Lutz stated that he had asked that the developer come back to the town with a realistic plan because the county has kicked them back to the town.

Mr. Jeremy Moore, representative of Great Lakes, stated that they had taken the town's suggestions and made some changes to the project so it is now down to ninety-eight units. The county did not actually kick this back to the town, it was simply that the property is zoned for eight units per acre. Mr. Moore stated that the hurdle is can we get sewer and water. If we can get sewer and water from the town, we can tell the county that they can make approval conditional



upon the availability of town utilities. The town engineer is working on the capacity. Mr. Moore asked to be on the agenda for July to present a revised renderings and site plan.

- **Motion to Approve Melvin Brewing Lease Addendum and Recapture Schedule.** Mr. James Sanderson, Town Counsel, stated that the town was provided with a draft Addendum to the Development Agreement which included a payment schedule. Mr. Sanderson stated that he was okay with the amendment to the Development Agreement and would defer to Councilman Larsen for questions on the payment schedule. Councilman Larsen stated that the numbers match his numbers, so he is okay with the proposed payment schedule. Mayor Lutz asked where Melvin Brewing was on their payments. Ms. Backus stated that they are still paying on the December 2019 invoice. It is my understanding that the receivables, the 2019 and 2020 invoices, will be adjusted to be included in the recapture plan.

**Councilman Fritz moved to approve the Melvin Brewing Lease Addendum and Recapture Schedule. Councilman Burchard seconded the motion.** Mr. Frank Magazine thanked everyone for their cooperation and patience. It was a good, long time coming but we will get it taken care of. There was no other discussion. **Vote: 5 Yes, 0 No, 0 Abstain, 0 Absent. Motion Carried.**

- **Economic Development Update**

Councilman Larsen gave the following Economic Development (EDC) Report.

- Everyone is so busy that no new applications have been received so there will not be a July meeting.
  - The biggest news is that Kemmerer is a potential recipient for the nuclear site but are in competition with two other states.
  - The events that were cancelled last year are being held this year.
  - The August EDC meeting will feature speakers focusing on the economic status of Star Valley, real estate and Planning and Zoning countywide.
  - Of interest is the demographic of individuals moving to Star Valley who seem to have two common points of view. First, "Close the door behind me" and second, "Not in my backyard" but they want the beauty.
  - The Air Stream dealership is planned for Etna.
- **Melvin Brewing Update – Frank Magazine, Chief Executive Officer**

Mr. Frank Magazine of Melvin Brewing thanked the council for their cooperation on the event they just had. Mr. Magazine introduced Mr. Dave Walters and Mr. Skylar Atkins, event coordinators. Mr. Magazine stated that they have another event coming up in a month and asked if there was anything they could do better. Mayor Lutz stated that yes, they could point the speakers in another direction. Mayor Lutz stated that he had received countless calls regarding the decibel level and that was at 8:30 p.m. It is understandable the way Melvin Brewing is laid out. Mr. Atkins stated that they would adjust the decibel level. Mr. Walter stated that the music bouncing off the building was unexpected, they will make corrections for the next event on July 31, 2021. The next concert will be more mellow music. Mr. Magazine thanked Councilman Burchard for the suggestions on directions and signs to direct attendees down Buffalo Drive.

Mayor Lutz thanked the Melvin Brewing group for the bringing the event to the town.

- **Public Comments**

Mr. Ken Cady thanked the council and everyone who contributed to the design of the Alpine Flats project. There were very talented engineers involved and thanks to everyone who provided input to project to help it come together. Thank you to the town as well for working with us, this is a big project.

**6. Tabled Item(s): None**

**TOWN OF ALPINE GENERAL FUND**

<b>CLAIMANT</b>	<b>ALLOWED</b>
AFLAC	\$297.70
ALPINE EMERGENCY MEDICAL SERVICES	\$10,000.00
ALPINE MOUNTAIN DAYS	\$135.00
ANIMAL HUMANE SOCIETY	\$1,000.00
B.M.C.	\$50.00
BLACK MOUNTAIN RENTAL	\$43.79
BLUE CROSS, BLUE SHIELD	\$6,892.69
BROULIMS ALPINE	\$45.55
CASELLE	\$56.77
CONRAD & BISCHOFF	\$86.02
DRY CREEK ENTERPRISES	\$400.00
FDGL VISITOR CENTER CREDIT CARD LEASE	\$36.73
FIRST BANKCARD	\$1,238.66
FP MAILING SOLUTIONS	\$500.00
GREAT WEST TRUST COMPANY LLC	\$6,700.00
GREEN TURF LANDSCAPING	\$1,178.96
GUFFEY, DAWL L.	\$1,560.00
IDAWY WASTE DISTRICT	\$42.55
JENKINS BUILDING SUPPLY	\$847.39
JENKINS, DAVID	\$50.00
JOHNSON, KARA	\$136.62
KEMMERER GAZETTE	\$43.00
KIRKWOOD, MIKE	\$50.00
LINCOLN COUNTY CUSTOMS	\$465.93
LINCOLN COUNTY SHERIFF	\$606.50
LOGO BRANDERS	\$644.70
LOWER VALLEY ENERGY	\$411.57
MERCHANT FEE	\$119.18
NAPA ALL STAR AUTO PARTS	\$27.89
PAYROLL	\$36,439.11
PENNY, BELINDA Cleaning	\$690.00
PREVENT FIRE	\$243.00

QUICK REFERENCE PUBLICATION	\$89.90
RAVEN LUNATIX ROCKS & MINERALS	\$2,000.00
SALT RIVER MOTORS	\$154.29
SANDERSON LAW OFFICE	\$2,000.00
SEVERSON, MARK	\$100.00
SILVER STAR COMMUNICATIONS	\$672.79
STAR VALLEY DISPOSAL	\$2,795.86
STAR VALLEY INDEPENDENT	\$2,132.13
TAPCO SIGNS	\$2,329.36
TOWN OF ALPINE WATER DEPT	\$962.60
TSYS	\$200.51
UNITED STATES TREASURY	\$6,552.26
USDA FOREST SERVICE REFUNDABLE BOND	\$714.00
VIDEO VISION INC	\$2,592.81
VINYLART	\$25.20
WYOMING CHILD SUPPORT	\$464.56
XEROX CORPORATION	\$589.64

## **TOWN OF ALPINE SEWER DEPARTMENT**

<b>CLAIMANT</b>	<b>ALLOWED</b>
BROULIMS	\$14.28
CASELLE	\$56.78
CONRAD & BISCHOFF	\$84.27
DRY CREEK ENTERPRISES INC	\$10,500.00
ENERGY LABORATORIES INC	\$62.00
FALL RIVER RURAL ELECTRIC	\$15.50
FIRST BANK CARD	\$188.99
JENKINS BUILDING SUPPLY	\$164.04
LOWER VALLEY ENERGY	\$2,654.87
MISSION COMMUNICATION LLC	\$1,870.20
NAPA AUTO PARTS	\$232.35
SABOL & RICE INC	\$9,387.38
SILVERSTAR	\$268.53
TOWN OF ALPINE Payroll, postage	\$7,887.18
TOWN WATER DEPT Billing fees, usage	\$3,000.26
VALLEY WIDE COOPERATIVE	\$262.82

## **TOWN OF ALPINE WATER DEPARTMENT**

<b>CLAIMANT</b>	<b>ALLOWED</b>
AVAIL VALLEY CONSTRUCTION	\$1,602.73
CASELLE INC.	\$56.78
CONRAD & BISCHOFF INC	\$85.08
CORE AND MAIN	\$2,967.27

ENERGY LABORATORIES INC	\$225.00
JENKINS BUILDING SUPPLY	\$70.36
LINCOLN COUNTY CLERK	\$12.00
LINCOLN WATER QUALITY LAB Water testing	\$81.00
LOWER VALLEY ENERGY	\$2,242.40
MERCHANT FEES	\$1,602.73
ONE CALL OF WYOMING	\$24.75
SILVER STAR COMMUNICATIONS	\$420.70
STEVEN COPE	\$75.63
SUNRISE ENGINEERING	\$1,942.50
TOWN OF ALPINE Payroll, postage	\$6,899.39
TOWN OF ALPINE SEWER Usage	\$36,487.38

**7. Adjournment:**

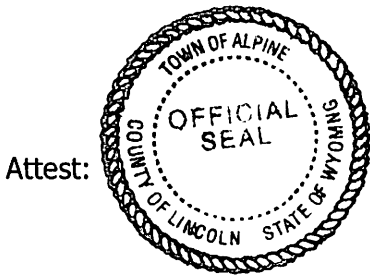
**Councilman Fritz moved to adjourn the meeting. Councilman Dickerson seconded the motion. There was no discussion. Vote: 5 Yes, 0 No, 0 Abstain, 0 Absent. Motion Carried.**

Mayor Lutz adjourned the meeting at 8:33 p.m.

*W. Kennis Lutz*      7/20/21  
W. Kennis Lutz, Mayor      Date

Minutes taken and transcribed by:

*Sharon Backus*      7-20-2021  
Sharon Backus, Town Clerk/Treasurer      Date



*Sharon Backus*      7-20-2021  
Sharon Backus, Town Clerk/Treasurer      Date

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



**Town of Alpine  
COUNCIL MEETING MINUTES**

**DATE: July 20, 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 – June 15, 2021; Public Hearing June 15, 2021  
Planning and Zoning Minutes – May 11, 2021, May 25, 2021, June 22, 2021; Board of  
Adjustments January 12, 2021 and June 8, 2021  
Payment of Town Bills – See Attached Check Detail of Bill Payments  
Approval to Adopt on Second Reading 281 Ordinance No. 2021-04 “An Ordinance Annexing  
Certain Land to the Town of Alpine and Approving the Elk Meadows Annexation”  
Approval to Adopt on Second Reading 282 Ordinance No. 2021-05 “An Ordinance  
Regulating the Traffic of Intoxicating Beverages and Repealing and Replacing 250  
Ordinance No. 2017-05 and Providing for an Effective Date”  
Approval of 24-Hour Malt Beverage Permit for Alpine Car Show August 21, 2021 – Top of  
the Rockies Snowmobile Club  
Approval of MRG-19078 Greys River Road Water Replacement Grant Request # 1:  
\$6,837.63**

**Councilman Larsen moved to approve the Consent Agenda. Councilman Fritz seconded the motion.**

Discussion ensued. Mayor Lutz invited Mr. Marlowe Scherbel to speak about the Elk Meadows annexation. Mr. Scherbel stated that he was suggesting a change zoning so rather than having it all Mixed Residential Commercial (MRC), the west half of the lot would be zoned MRC and the east half Commercial Zoning. This could happen during the development of this ordinance. An ordinance has three readings many of which have minor changes along the way. This is the second reading and will receive one more notification of a reading, so this as an amendment to the ordinance. We are requesting that the council make this amendment in this reading. Worst case scenario, we will be back here requesting this again on third reading and with a rezone, going through another three months for that. Mayor Lutz asked about the subdivision dividing

the lot between east and west sides. Mr. Scherbel stated that in anticipation of annexation into the town, we have filed a preliminary plat to subdivision into six lots. We are not in the town yet, but the application has been submitted. Mayor Lutz stated that by doing what is being requested the town is dividing that in two pieces. Mr. Scherbel stated that zoning does not create boundaries. Mr. Scherbel discussed what other towns do with multiple zoning on a parcel. Mr. Scherbel stated we are anticipating that you are going to allow us in the town and so have made application for the preliminary plat. It is quicker, sure. That is just because of the short season. We are trying to simultaneously process things.

Mr. James Sanderson, Town Counsel thanked Mr. Scherbel and stated that Mr. Scherbel was correct, the statute is silent about this example but in the annexation process the petition was brought in and asked to be annexed as MRC and by amendment you are actually creating a dividing line. You are saying half is going to be this way and half is going to be that way. We have already noticed it up as coming in for one purpose. Lawmaking ordinances were not meant to be efficient and quick. That is to give us time to think things over and you have prepared it and say, "this is the way we want it". Mr. Sanderson stated that when annexed it should come in as it was on the petition. The council can decide whether or not they want to amend it but I would discourage amending it because we are making a quasi-subdivision. We want to get it into the town first and then have them follow the proceedings to subdivide it and change the zone if they need to. But council, it is your decision on this. It looks like two pieces of land, but it would still have to be sold technically now to one person.

Councilman Larsen asked Mr. Doornbos, "What can you do on MRC that you cannot do on commercial or vice versa?" Mr. Doornbos stated that anything that you could do on commercial you could do on MRC except there are zero side setbacks. It is the side set back change, the building envelope that increases on a commercial.

**Councilman Larsen moved a substitute motion to withdraw 281 Ordinance No. 2021-04 "An Ordinance Annexing Certain Land to the Town of Alpine and Approving the Elk Meadows Annexation" on second reading from the Consent Agenda and approve the remainder of the Consent Agenda. Councilman Fritz seconded the motion. There was no 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](http://alpinewy.org)*

**Councilman Larsen moved to adopt on second reading 281 Ordinance No. 2021-04 "An Ordinance Annexing Certain Land to the Town of Alpine and Approving the Elk Meadows Annexation" by amending to read, "all of the east one-half of the property to be zoned as C-Commercial and the west one-half to be zones as MRC-Mixed Residential Commercial in accordance with the revised exhibit". Councilman Burchard seconded the motion.**

Discussion ensued as in prior discussion. Councilman Larsen asked Mr. Scherbel what is the thought behind going commercial versus the whole property MRC. Mr. Scherbel stated the main reason is what we just talked about, that is as we looked further into the commercial, we found that it gave us a bigger building envelope. With commercial you are able to build larger buildings basically that could be put on those lots. While we are at it, we are coming into the town deciding what the zone ought to be. If you do it now, it is more efficient than waiting. The possible plans for the property were discussed but the subdivision and rezone cannot be completed if it is not yet in the town. Zoning differences between the county and town were discussed. Mr. Scherbel reminded the council that the ordinance could still be

amended on third reading, and he would be asking for this amendment again on third reading. **Vote: 0 Yes, 5 No, 0 Abstain, 0 Absent. Motion Failed.**

**Councilman Larsen moved to adopt on second reading 281 Ordinance No. 2021-04 "An Ordinance Annexing Certain Land to the Town of Alpine and Approving the Elk Meadows Annexation". Councilman Fritz seconded the motion.** There was no 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](http://alpinewy.org)*

## **5. ACTION ITEMS/NEW BUSINESS:**

- **Presentation to Thayne Senior Center – Mayor Lutz**

Mr. Dan Carter, Program Director, addressed the council. It has been a while since we have been here to talk to you. We all know what happened in last year. It used to be, I would come up here with my hand out and give you 5,000 reasons why you should give me \$10.00. I want to preface this by saying I am not in the numbers business; my Program Director is. I am going to ask her to come up and address you in a minute. As the Chairman of the Board my staff and I have conversations with folks or caregivers regularly. We have a hard time not crying when they are telling us what their stories are. This is not that kind of a story. I am not trying to present that it is. I want you to think that the Senior Center is like taking to your grandma, mother or father to a restaurant, that is what the Senior Center is like. The Senior Center is a vibrant bunch of folks. They are from around the country they have had numerous experiences and their stories become contagious for the folks who belong and go there. This is what Melinda and staff do every single day. Yes, we have activities yes, we feed the folks. That you know.

We traveled about 800 miles per month delivering meals to folks that cannot go and eat with us. We can present facts to you guys that show that when we keep someone in their home it is saving the federal government and state government millions of dollars. I would like to have all my people in their home, but of course, sometimes we know they cannot do that. The monetary support Alpine is going to give us tonight, assists many and goes to go to a good home. We know what the price of gasoline has done in the last two months. We have three vehicles go on the road every day, five days a week. Now, as Chairman the Board, I am not paid; this is a labor of love. I have been involved with the Senior Center for about fifteen years including the Alpine and Star Valley senior citizens. So, when you are helping us, you are helping from the state line to the narrows. That is the area where we work. Mr. Carter invited Melinda Pebbles, Program Director to address the council and provide numbers.

Ms. Pebbles addressed the council and thanked them for inviting the Senior Center Representatives again. We appreciate you and your donation. This continued support allows us to do a few things. You probably know we did meals during COVID a year ago; March through June. We did over 23,000 COVID meals to the seniors in the area whether that be home, delivered meals, or curbside meals. Generally, in a year we do between 21,000 to 22,000 meals so this is a lot of meal preparation. Those are some quick statistics. Ms. Pebbles asked the council if there were any questions. Ms. Pebbles thanked the council and invited them to please stop in anytime, "we would love to have you come over and see us in Thayne or here at Yankee Doodle on Tuesdays", we have ten to fifteen, or more here in Alpine.

Mayor Lutz presented a check to the Thayne Senior Center in the amount of \$3,000. Mr. Dan Carter, representative of the Thayne Senior Center received the check and thanked the Town of Alpine for the generous donation.

- **Update on Greys River Road Water Replacement Project - Ryan Erickson**

Mr. Ryan Erickson of Sunrise thanked the council and reported that he was here to give an update on the Greys River Road Replacement project on the west side of the road. We did finish drawings for the project, those all completed. Mr. Erickson stated that he had been over some of that with staff to make sure we are all on the same page there. The water line on the east side was replaced about twenty-five years ago. The crossings were not replaced at that time so Craig's suggestion was to replace the crossings, there are four of them. We have those included in the drawings as well so we can cross the road. The road is not in the best of shape so it is the plan to cut through that asphalt and use flowable fill to fill those back in and then whenever the town has a road project on Greys River Road, the repaired road would be good to go. The drawings are completed as well as the specifications, the design report and we submitted permit to construct to the Department of Environmental Quality (DEQ). The next step would be to go to bid. Remember half the funding for this is coming from SLIB Funding and they have a checklist of items to go through prior to going out to bid. One of those items is the DEQ permit which we are waiting on right now. Another is a title opinion. This is basically just some documents showing that yes, you have an easement, or you own that property that you are going to be working in and putting a pipeline in. We will be working with a title company to get this information and then get that checked off as well. The town has a probable cost, I have already got a draft probable cost for that as well. When the plans and specs are done, we would advertise that in the paper for three weeks. Once I get a couple of these other items done, I will submit the check-off list to SLUB. They have an engineer that we deal with to give us an approval that could go ahead.

Mayor Lutz asked Mr. Erickson if he thought the timeline was this summer or fall. Mr. Erickson stated that it is going to be tight and there are concerns right now on costs getting pipe and getting a reasonable cost as well. It could be next year. We may get bids that are just through the roof. Several contractors are busy so it is a tough time of year to be bidding anything out and this year is especially crazy, but we will work through it. If something comes in and it is not within the budget, we may need to hold off till spring.

Councilman Larsen asked about an overlap with the TAP grant. Mr. Erickson stated that we are basically just kind of waiting on the TAP Grant now because decided not to bid those together; there are two different funding packages and funding agencies with different rules. When asked, Ms. Backus stated that the TAP Grant expires December 31, 2022, and the water line needs to be completed first. Mr. Erickson stated that we may need to go to WYDOT and tell them the situation which they were aware of this all along because originally, we asked WYDOT for money to do the pipeline and they said no, that is not part of our funding. Perhaps WYDOT will grant an extension on the TAP Grant because you can only do what you can do. If you do not get the bids in and do not have the time to do before winter hits, then, that is all you can do it. Mayor Lutz thanked Mr. Erickson for the update.

- **Top of the Rockies Request for ARPA Funds from Town of Alpine— Alex Sinclair and Alana Carpenter**

Ms. Alana Carpenter addressed the council to request funding. Ms. Carpenter stated that she is the treasurer for Top of the Rockies Snowmobile Club (TOR) and the Vice President is Alex Sinclair. Alex and I met last week to review some of the items that we requested funding for. It has been brought to our attention that there are ARPA funds that have been given to the town. We have been given confirmation from Lincoln County that we are the number one largest



nonprofit organization in Star Valley and arguably in the entire County. We are based pretty much out of Alpine, and we do a lot for our community. As Treasurer, I come before you to request a portion of the funds allotted to the Town of Alpine as part of the second round of stimulus reimbursement due to COVID. Just this year, the Top of the Rockies has donated a total amount of \$34,454.33. While we are not asking for all of these funds, we are hoping to obtain reimbursement for Alpine related events.

*The breakout of expenses we are requesting reimbursement for is as follows:*

- *\$2,000.00: Town of Alpine – Scholarship Donation for the Winter Jubilee*
- *\$575.00: Bananas Sporting Goods – purchase of a raffle item to raise additional scholarship funds for the Winter Jubilee*
- *\$634.94: Lowes – purchase of a refrigerator for an elderly couple in town, M/M Bean*
- *\$80.00: Broulims – purchase hot dogs and buns for the annual Hot Dog roast for Winter Jubilee*
- *\$1,741.12: Furnace for an elderly couple in town, M/M Bean*
- *\$769.07: Hot water heater for an elderly couple in town, M/M Bean*
- *\$500.00: Easter Egg Hunt*

*Total: \$6,300.13*

*Additionally, we have the annual Thanksgiving Dinner and Santa Claus, for which we donate \$500.00 to each.*

*We would like to request a total of \$4,500.00 to help fund the following events for the next three years:*

- *\$500.00 x 3 years for Easter Egg Hunt: \$1,500.00*
- *\$500.00 x 3 years for Thanksgiving: \$1,500.00*
- *\$500.00 x 3 years for Santa Claus: \$1,500.00*

*Total: \$4,500.00*

*Grand total requested: \$10,800.13*

Mayor Lutz asked Mr. Sanderson to comment on the eligibility of the requested items under the ARPA program. Mr. Sanderson stated that not all of them qualify or at least in my opinion that some of them are on the border. I think the care for elderly people buying them a refrigerator, etc. qualifies under the act. I do not feel comfortable with the scholarship fund, but the Thanksgiving dinner, etc. that is helping other people may qualify under the act. As much as I would like to buy guns with these funds personally, I don't think that we should buy guns with this money. Ms. Carpenter asked about the other raffle items for the fundraiser. Mr. Sanderson read the definition in the statute. "The money can be spent to respond a to public health emergency with respect to the COVID-19 or its negative economic impacts, including assistance to households, small businesses and nonprofits, (which TOR is a nonprofit) and to aid impacted industries such as tourism travel and hospitality; to respond to workers performing essential work." Mr. Sanderson stated, I do not think it qualifies under there for the provision of government services and the extent there was a reduction of revenue. TOR is not providing government services, so it goes back to aid to a nonprofit. I do not know that specifically buying things for raffle would qualify but helping them abate the economic impact that they may have lost prior to or due to COVID is fine. I do not know if we want to be directing specifically what you want to spend the money on as long as you are aiding people that have been impacted from COVID.

Councilman Larsen suggested an alternative approach. As opposed to laying it out this way, state that we had a specific total of donations coming in from "XYZ" business, but due to COVID, the

donations were less. You know XYZ gave us each \$1,000.00, but due to COVID, they only gave us \$500 this year if that can be documented. That is where this kind of jumps in and fills the bill so to speak.

Councilman Fritz stated, "I argue that the top of the Rockies made the decision to donate the \$2,000.00 because we had it in our account from previous fund raising due to the fact that the economic impact on these families, they may not be able to afford to provide their children the necessary education funds, so we wanted to supplement that because we had the extra funds from previous years. Councilman Fritz stated that TOR was able to justify it, and, on the record, I am the president of this organization. We also were able to justify that donation to the town scholarship fund because due to COVID the Scholarship Fund raising at Winter Jubilee was poorly attended compared to last year. We did not want to see the town not give out scholarships properly, so we cut a big check to kind of bolster that fund knowing that we had already received County funds a year and a half ago when that first round came out. We figured there would be more going to the County, but instead of going to the County, it came here. We are trying to pursue the lanes that we did previously with the County in similar fashion and on similar topics.

Councilman Larsen stated that to justify the donation it would be better to state that normally in 2019 we attracted 826 people to this fundraising event but in 2020 we attracted 322, thus causing us a loss of a percentage of dollars.

Mr. Sanderson suggested that before we approve this maybe we ought to look at other things that maybe clamoring for the whole for the money as well before we approve it. We are going to give this amount because it also talks about making necessary investments in water, sewer or broadband infrastructure. There may be some things that the town needs to do with that. We need to also look at the other projects that are coming in asking for this.

**Councilman Larsen moved to table "Top of the Rockies Request for ARPA Funds from the Town of Alpine". Councilman Dickerson seconded the motion.** There was no discussion. **Vote: 5 Yes, 0 No, 0 Abstain, 0 Absent. Motion Carried.**

- **Presentation on DMOS, a WBC Business Committed or Community Readiness Program- Susan Pieper.** Ms. Pieper was not present but had sent an e-mail thanking Mayor Lutz and the council for their support but stated that DMOS respectfully has decided not to move forward with a WY Business Opportunity grant in Alpine.
- **Request Council Consider Video Access for Council Meetings – Kathy Owsiany**  
Ms. Kathy Owsiany addressed the council and stated, thank you very much for your time this evening. I'm here to request three things from the town council in order to facilitate increase citizen involvement in our governmental processes. The first is that the town begin providing Zoom access to the town council meetings and other public meetings. This might require outfitting the council chambers with the audio and video equipment necessary for quality Zoom meetings. I see you have upgraded the sound. The audio equipment, which will hopefully provide a much better sound of the meetings. The reason I'm asking for this access for our citizens is it provides a more convenient way for citizens to stay involved and informed in the matters concerning our town. It provides greater transparency of our governmental processes which in turns facilitate citizen input, ownership, and support. It provides opportunities to be involved for those who are not here full time or in cases of long distances or bad weather. I believe you had some experiences with Zoom during the COVID and then also at the February meeting this last

year because of the COVID. Star Valley Ranch currently provides this access by sending the Zoom link out into its mailing list and putting it on its Facebook page. It also has outfitted its council chamber. I think at this point. I don't know if you'd need it, but you might need a camera of some sort that would show the council and so anyway, I'd really like to see so I think perhaps they could be a good resource. If you decide to implement this and so I'm curious to know if you're willing to do that, it's quite economical. As far as the annual licenses range between \$150.00 and \$250.00, so it seems to me that it would really be a good thing.

Mayor Lutz reminded Ms. Owsiany she had three things to bring up.

Ms. Owsiany stated, that's the first one, I thought I'd find out what you thought about it, I don't want to overwhelm you. Mayor Lutz invited Ms. Owsiany to continue. Ms. Owsiany said, so then the second item is that I'm requesting is that the minutes of the town council meetings are available in draft form no later than one week from the date of the meeting. Currently, citizens have to wait a month until the minutes are approved at the next town council meeting to have access so this would allow citizens to have access in a more timely way. I think everybody could understand that it's draft when they're getting it in the draft form. I know Jackson has theirs published in the newspaper like the next week.

Ms. Owsiany said that the third is that I would like to request that the written minutes be produced for all of the Master Plan Review Board meetings. The meetings are being recorded, but written minutes are not being produced and the work of this kind I think could be of major importance to Alpine's future and thus deserves a better public record for reference than the present. Well, it was barely audible and hopefully now it will be better. But even so, I think there's nothing quite like a written concise record of a meeting to make sure that you know you have complete and accurate information easily accessible to our citizens so that's the other point. The four meetings thus far I think have been very consequential as far as the discussions. The board and the guests that have met with them, the Community, as far as our School District Superintendent and administrators and then our state Senator with reference to a land that's available, so I really would like to see those also be included in the written record, not just the meetings going forward, so that's those are my requests.

Councilman Larsen stated that, "I am under the impression if we do Zoom meetings, we have to hire somebody to monitor all of the comments from the council and the people watching those".

That's yes, many other comments or councils that I've seen. Yeah, there's generally a moderator of sorts. I could just broadcast the meetings and not have you know the two way where they're just being broadcasted out so you can watch it and then you don't have to worry about the commenting coming in. I think Star Valley Ranch has the whole "shebang" and I do not know that they have hired somebody to do it. They do have a much different budget than us and a lower cost of living.

Ms. Backus then asked to address Ms. Owsiany's other two points. First, I do not like having a time limit on getting the minutes out in case we have a meeting like that February challenge, and I do not know why you would ever release minutes that are in a draft form, not final. This position has many duties and one week may not be feasible to prepare minutes. The minutes need not be posted in draft form on the website. Lastly, the reason why the Master Plan Revision Board has no minutes is that there are no decisions made. The meetings are recorded to prove no decisions are made. It protects the council; proves they did not make decisions. Minutes are

prepared to capture decisions that are made; motions that are made. If you do not make any motions, you do not need minutes. It is a discussion only. Mr. Mayor, the reason they are recorded is to prove that you did not make any decisions so that its protecting the council from a liability. That is why we record it. Otherwise, we would not even bother to record committee meetings and workshops.

Mr. Sanderson stated that Ms. Backus is correct on that third item, minutes. If there is nothing but discussion, they can be recorded. If there are no decisions made, then there is no requirement of minutes. Mr. Sanderson stated that could not find a statutory requirement to publish minutes in a draft form but told Ms. Owsiany that he was writing all this down so he can review and find his own facts about what other towns do. Then I can come back and report, I do not like to make decisions right now on this. But I have it written down here and so will look into.

Ms. Owsiany said, no problem and I would appreciate that thank you. The master plan recordings were really not audible at all the prior recordings and that's why I thought that they are the discussions that are occurring and seem to be very important, and so that's why I had hoped that you could go past the you know beyond a statutory requirement to have that information also readily available to the city.

Discussion ensued about video access, not necessarily Zoom and the requirement for a moderator. A town Facebook live stream or something like that would be fine. The town should be able to live stream to Facebook our website any of those for free and Zoom could be discussed down the road.

Mayor Lutz stated everybody is allowed to come to council meetings. And being here in person is vital for getting feedback from the public. You know, sitting at home, drinking a beer, watching Zoom, and then saying, "Oh turn down the TV honey, I gotta raise my hand and I have a question for the council", does not work for me.

Ms. Backus stated included in the packet is the Comtech Digital Solutions for the optics camera bid. You could do outbound audio-visual screening through Facebook. We looked at this in our budget workshop and this would be a help so that people could watch the meetings. If they are so inclined, they can watch and they can be kept up to date. It is my understanding that this would fall under that ARPA Act because it is broadband, you are actually encouraging social distancing, which is all part of the COVID plan, especially with the bump in COVID now.

Council discussion ensued with a review of the video bid. This is \$3,364.00 is our bid to have video put in. Mayor Lutz stated that he liked to have people attend the meetings in person. Zoom is not a viable alternative for us at this time.

**Councilman Larsen moved to accept the Comtech Digital Solutions PTZ Optics Camera and accessories bid for \$3,364.00 and to fund the purchase through ARPA funds. Councilman Fritz seconded the motion. There was no discussion. Vote: 5 Yes, 0 No, 0 Abstain, 0 Absent. Motion Carried.**

- **Update on Will Serve Request from Great Lakes Capital and Site Plan Revisions – Bob Ablondi**

Mayor Lutz asked Mr. Bob Ablondi, Town Engineer to present to the council his proposal for an analysis which would be performed prior to issuing any new will-serve documents. Mr. Ablondi's proposal is as follows:

*As the Town of Alpine considers the possibility of providing water and sewer service to new developments, we would strongly recommend that an updated analysis first be completed of the current and projected water and sewer demands. While the Town currently has adequate capacity in both the wastewater treatment plant and water supply system for the immediate and approved needs, a more detailed inventory of the anticipated future requirements should be completed before additional commitments are made.*

*This analysis would essentially be an update of the 2005 Facilities Plan that was completed prior to the construction of the current wastewater treatment plant. It would focus on the existing and projected flow demands and include both water and sewer systems. This would be an opportunity to update and quantify the total overall service needs facing the Town based upon the land use changes that have occurred over the past 15 years.*

*To provide the most benefit to the Town, we would recommend that this analysis inventory each property currently connected to the Town sewer and/or water system or, have the potential to connect to Town systems. Property data would be obtained from the Lincoln County GIS and Town records. The primary output would include water and sewer demands tables showing current and potential users along with their estimated flows. The flow tables would also be accompanied by maps of the water and sewer service areas and specific properties listed in the tables.*

*We would anticipate using the existing Town staff for much of the effort, taking advantage of current billing schedules for water and sewer. This inventory would also include recent developments issued will-serve letters for specific water and sewer needs. Projections would then be made for the undeveloped properties that are within the city limits, outside of the city limits but adjacent to the existing water and sewer infrastructure and other properties that have expressed interest to connect to the Town facilities.*

*Although it is difficult to project actual costs, we believe that a budget of \$10,000 would provide for the collection of the primary data and preparation of maps. Although we are in the middle of one of the busiest summers ever seen, we would target a 60-day schedule.*

*These are ambitious goals in terms of both budget and schedule but believe that there is a need with the existing level of development activity in the Alpine area to provide this important information to the Town council in a timely and efficient manner.*

Mr. Ablondi stated that he believes this is the prudent next step and he had conferred with the engineer on the Great Lakes Capital Project. Basically, we've been getting a lot of requests as you know for will-serve water and sewer letters and it's been fifteen years since the first facility plan was done for the wastewater plant, which identified uses but needs sizing for that plant. We are nowhere near the capacity for that plant of 400,000 gallon per day. We're seeing about 130,000

at a maximum day right now in the summertime. But I think it's an appropriate time to take a step back and look at what the commitments are currently in terms of in the town. There's been a lot of annexations that have happened over the last couple years, so what you know what all these commitments are going to be for the wastewater plant and at the same time, the water system is a little less restricted. You've got wells that are able to produce 3,000,000 gallons a day on a peak day. Right now, you might be close to 1,000,000 gallons per day. Some of that is leaks so hopefully, it's even less than that. It is a good time to take a step back and just identify in a very in a fairly specific way, not a broad-brush study. I'm talking about looking at properties and infrastructure on a GIS map. What are the potential uses, what are the potential flows going into the plant so that you have a better idea when these will-serve requests come forward. Mr. Ablondi stated, I don't think there's any concerns about what you've already approved and what's been committed to, there is sufficient capacity. The plant can be expanded, there's a lot of options, but I think this is a good time while you're in this state of getting a lot of requests, a lot of concerns to find out what you know you have because I don't know the answer to that right now. Some people ask me, "well how much is going into the plant or what are you committed to", I don't know the answer to that. We need to know. A lot of this is because of what's happened in the past. You know a couple of years we've been encouraged by Business Council to expand out and serve these areas. They've provided funding to do that, and I think it's time to take an assessment and see what's there and I'm talking about a study and to get it done as quickly as possible.

Mr. Ablondi stated that it is going to take sixty days to do the study properly. We will not have it done in time for your next meeting, but for your meeting in September is a realistic estimate. And it's going to cost some money. I've thrown out a number of \$10,000.00. I don't know if it would cost that much. I would certainly want to rely on working with the staff. They have good databases on all the billings, who is currently hooked up and who is not for water and sewer and that would be a good place to start from and build from there. But I think it be a worthwhile thing for the town to know. It is not to say this is related to any specific project. It is just the fact that it's the time to do it. We probably should have done it maybe even last year. Here is a good opportunity. There's a lot going on and I think it will be good information. I think we need to know so that's basically what I wanted to present before you. The last study was started in 2005 and finished in 2006. That was the basis for deciding the size of the plant. You know what kind of treatment plant. That was a much more involved study because they were looking at treatment facilities, what type of treatment. This study will show the flow side of things. What is going into the plant? What are we committed to serve based on what's annexed you know what new projects we've given will serve letters to, that kind of thing and will also be included what the pre- treatment will handle? The town has a fairly high BOD load, organic pollutant coming from the brewery and so you know that's a factor in terms of what the capacity of the plant is too. We thought we would look at that too. But primarily this is going to be looking on the flow side of things and in the other different situation we need to look at the water side, too, like I say I think water is a lot easier thing to deal with. We're looking at bringing on the well from North Alpine that was part of the arrangement. We had to provide service there. That's a fairly high capacity well so we're looking to get that hooked up to the system. This this year, potentially and we've got three good wells at the South end of town at the on the Forest Service Land. Again, this study would look at both water and sewer to see where we are so that when people come in and say, we want to connect in to water and sewer you need to have this kind of basic information to be able to answer the question of capacity.

Mayor Lutz asked Mr. Ablondi if sixty days is enough time as we know how busy he is. Mr. Ablondi said, no, but we're going to do it in sixty days. It needs to be done in sixty days. And if

you don't give yourself that kind of deadline, it gets drug out. This probably involves some dialogue. It's going to involve some judgments. We're going to let you know what the outputs are going to be. You know spreadsheets of all the different lots that have potential and mapping showing where we have service lines and where the likely places are to hook on in the future and places you know developments that have occurred. Since the facility plan was done, some of the anticipated wastewater service was estimated to be higher density and they turned out developing at a much lower density and are not likely to hook up.

**Councilman Larsen moved to approve the Alpine Water and Sewer Capacity Update to be prepared by Robert Ablondi at a cost of up to \$10,000 and a completion date of sixty days from adoption. Councilman Fritz seconded the motion. There was no discussion. Vote: 5 Yes, 0 No, 0 Abstain, 0 Absent. Motion Carried.**

- **Update on Will Serve Request from Great Lakes Capital and Site Plan Revisions – Jeremie Moore**

Mr. Jeremie Moore addressed the council stating that they were aware of the conversations that with Bob regarding that study, so we are prepared for that side of it, but based on last council meeting, you requested to take a look at what we were doing. I believe the council should have received that package prior to the meeting and looked it over so I am here for a couple of reasons. One is to answer questions, and to introduce the developer principle in the project, Ryan Rans who is in the audience. We understand what Bob said again about the engineering update. We have communicated with him and we are hopeful that as you take a look at the project, if it is something that you want to help us out with we can move in a direction to get a will-serve letter from you in the next 60 to 90 days. Mr. Moore showed the council the newly revised site plan. There are color versions of the relevant items so I can answer any questions you may have.

Mr. Ryan Rans stated, "I agree completely with what Bob had to say". You have to know the lay of the land first before you get going and given the magnitude of what I see is the investment just in the sewer and water hookups, I was going to volunteer to advance the dollars should that help in terms of funding the study as a down payment. Should there be a favorable ruling on something that's moving forward that will serve us ultimately because we see that the sewer and water connections alone in addition to extending the sewer and water to this site are in the range about \$800,000.00 of fees upfront to the to the Town. As a sign of goodwill, we could advance a down payment towards that study and would be happy to do that; the \$10,000.00 needed to help move this forward in the 60 days, Bob so excitedly promised to get done. If we can do that that would be great. We were just looking for a path forward to make sure that we know what the lay of the land is and how to get there; what the considerations would be and how we can work hand in hand with the town, understanding it is a long way out from annexation in terms of location. Also, again in goodwill, we would sign a waiver of remonstrance against you for runs against annexation later. Again, we would love to be part of the community immediately. Anything we can do to answer questions here and follow up, just ask. We aim provide an approachable market rate housing of very high quality in the area as the growth continues in the Valley. We wanted to get ahead and begin the long-term property for rent in the community so as to be long-term stewards and partners. We will be neighbors with you so anything we can do to help facilitate that we appreciate it. We also brought our engineer just in case there are any questions on specifics, he and Bob have already spoken.

Mayor Lutz stated that the town has to this study anyway. We should do it in House. I appreciate the offer and I think we all do but we can fund it and probably should. It would be

better would be cleaner. Does the council have any comments on his site plan? Honestly, I think it's too early to comment until we see Bob 's results.

Councilman Fritz stated, "I think when it does get close, you are going to have a hard time getting by the County". You are going to have a hard time getting by a lot of its residents. And you're going to have a hard time getting by organizations like the Etna Coalition. Just as a suggestion, please take your density down right now, before pictures of this get out then this is the only picture that's going to get out. You could cut the density in half, and this is going to be the one on every petition online. There are too many keyboard warriors, not enough fact seekers sure so I would strongly suggest cutting your density and that would really increase your chances because it's got to go by the County before it even comes to this table other than the will-serve. The current public opinion is that this is too dense.

Mr. Rans thanked the council for that the feedback and assured them that they will continue to bring in all community feedback. So far, the County has been pleased and positive. We had two meetings. It is zoned appropriately and so where the density is 8 units per acre, we are currently right at 7 or just under. As you said the County and the officials have an opinion, but the public opinion will definitely be there. Those in this room understand the reason for the clustering and the density. The clustering is to keep the 40% open space. The density is to help bring the price in an approachable market rate. There is a whole lot of quality and that is the whole balance that we're trying to work with, but I really appreciate your input. That is why I wanted to be of much less than that and then also addressing the other key topics or from snow storage etc.

Councilman Larsen said, "Tim, you know, that the first thing I mentioned was the density". I knew there's going to be some pushback from that from the County. Every business owner here knows that they are down staffing because the staff can't get housing, period. Having everybody be part of that solution long-term is the goal. Has WYDOT determined how they're going to enter? I see there are two entrances and two exits. Have you have you been on 89 between the hours of 6:00 a.m. and 9:00 a.m.? You have added 305 beds or 105 units. That is a lot to get in and out of there during the commute.

Mr. Rans stated that this the first iteration based on what is being built right outside of Bozeman right now, so it is a kind of a test case not by us; but by the same architect so we are letting them be the Guinea Pig on this and we will be the fast follower.

Councilman Larsen stated that he creates trails. Nobody likes trails that just end. If you could connect these trails just along the frontage road, maybe off the berm or something, would be another suggestion. Mr. Rans stated that another plan is to have the trails contiguous and then interface back, then to the trailhead. It is really a manifestation of the rest of the community or the Forest Service. Our hope and our thought is to work hand in hand with the town. You know as if we were part of it is to the extent possible so again to show the goodwill.

Mayor Lutz stated that the council will wait to see what Mr. Ablondi comes up with.

- **Planning and Zoning Commission Update – Rex Doornbos**

Mr. Rex Doornbos of the Planning and Zoning Commission stated that the commission has been very busy. Plans are coming in and we have all sorts of stuff going on. One of the tasks that we have had in the last little bit is to look at some ordinances. We had a group of citizens come to us and want to review several ordinances within the town. I do not think they are looking at making



new ordinances, rather rewording ordinances. We have had a workshop open to the public which Justin was kind enough to attend. We have had some spirited but civil discussions and what we are presenting tonight is kind of the outcome of all that work. We have spent a lot of time reviewing, going back and forth, having debates over trailers; what constitutes trash what constitutes abandoned trailers.

The commission has had many builds and has been permitting houses. There is a lot of building going on. Mr. Doornbos showed the council his badge for ten years of service.

Mayor Lutz thanked Mr. Doornbos and thanked the commission for their recommendations which will not be turned over to Mr. Sanderson.

- **Recommendation for Revision of 101 Ord. No. 2003-13 "Abandoned Property"**
- **Recommendation for Revision of 103 Ord. No. 2003-16 "Maintenance of Properties"**
- **Recommendation for Revision of 152 Ord. No. 2007-08 "Animals"**
- **Recommendation for Revision of 236 Ord. No. 2015-09 "Traffic"**
- **Recommendation for Revision of 257 Ord. No. 2018-07 "Land Use and Development Code"**

- **Ordinance Revision Request – Leon Kjellgren**

Mr. Leon Kjellgren introduced himself to the council and stated that he lives at 728 Pinecrest Circle. Mr. Kjellgren introduced two neighbors, Messrs. Bob Moss and Joe Deromedis. Last time we appeared before the council was in November of 2020. In regards to some continuing problems on Sunset Drive with maintenance of premises, abandonment of property, etc. on a privately owned lot in our neighborhood. At that time, it was the consensus of council members, Town Attorney and Town Enforcement Officer that more was needed to reinforce existing ordinances in these categories. Our neighborhood group took the initiative and worked on suggested revisions and submitted them to the council in February 2021, the council referred revisions to the Planning and Zoning Commission for recommendations. The commission as they just said have now had a workshop and a dedicated a major part of two meetings in review of our recommendations with public input, as well as input from planning and zoning staff. At their last commission meeting, the commission passed separate motions, recommending approval to the council of revisions to the ordinances that you have in front of you. I wanted to let you know that our neighborhood group supports these recommendations. Copies of the transmittals have been furnished to the council. However, one omission was discovered today and will be resent by Christine. The Planning and Zoning Commission and Christine have been exceptionally great to work with. Those people can be proud of the work they do and the interest that they have in the community. Those people need to be commended so I think he [Mr. Doornbos] probably deserves the badge. We respectfully request that the council instruct the town attorney to proceed with the review and preparation of final documents for the council promulgation of the ordinance provisions. We understand that that will take three readings three council meetings. We would ask that review by the town attorney will include the inadvertent admission that was not included and discovered today. Mr. Kjellgren asked the council if they had any questions for him.

Mr. Sanderson, Town Attorney stated that he appreciates what Mr. Kjellgren has done and the work that went into it. The work I will do will reflect the intention here, but it is not going to resemble this. I can tell you that right off, because I will give you an example of abandoned

vehicles. You have the definition that "when any four tires, the main wheels of such vehicle have been removed or deflated". Who is going to go on someone's property? Those are the elements of your statute, and you want us to go in on their private property and check to see if their tires are removed or deflated. What constitutional authority grants anybody the right to go on someone's property and check that. I think it is our intent that the observations can be made from a public roadway. I think when you look at the case law on this, you have to have an intention to abandon, an external act, which demonstrates an intention to abandon. We have had a lot of discussions on the public right away and we understand exactly where that is. It does not say from the public right away here. I just want to warn you. A lot of work has been one here and I see what your intention is, but it is going to be pared down because part of my frustration in prosecuting these ordinances is that they are so "flowery" they are free and so open to interpretation. That makes it difficult if you get somebody in here, I am going to fight it because it is constitutionally vague. The ordinances will resemble what you have here but will be slightly different but will be in effect the same.

Mr. Kjellgren stated that it was the consensus of our organization that if we take someone to Municipal Court and lose because of an ambiguity or technicality in the ordinance it does us no good. Mr. Sanderson stated that he did not want Mr. Kjellgren to be offended when the wording is different. Mr. Kjellgren said that we just want it to be enforceable and what we have discussed in there are items that we have personally run into in our situation that we think can improve the ordinance from the basis of the whole town.

Mr. Sanderson then stated that his recommendation is to remove the changes from the Land Use and Development Code (LUDC) and place them in the criminal code. Failure to get a building permit or whatever it can still be the LUDC. Mr. Kjellgren asked again that the information include the omission that was inadvertently left out.

Mayor Lutz thanked the commission for their work on this project. Mr. Sanderson will work on these ordinances.

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

Mayor Lutz stated there was no report other than the committee may be losing one of the members, Mr. Funk. He will let me know in the next week or 10 days. He has some other things in his life that he's dealing with so he might not be able to dedicate the time to it so, but other than that we have not met since our last meeting about a month and a half ago.

Mayor Lutz asked Ms. Backus to read into the record a letter from the City of Kemmerer. Ms. Backus read the following into the record:

*July 14, 2021*

*Town of Alpine  
Mayor Kennis Lutz  
PO Box 3070  
Alpine, WY 83128*

*Re: Letter of Support for the City of Kemmerer Proposed Advanced Nuclear Power Plant*

*Dear Fellow Local Government Leaders:*

Hi folks My name is Bill Thek. For those that don't know me, I am the Mayor of the City of Kemmerer. I am sure by now that all are aware, the City of Kemmerer has been named as one of four potential sites for a Natrium Advanced Nuclear Power Plant, At this point we know The State of Wyoming is the chosen one. Which municipality will be the chosen site is said to be revealed before the end of the 2021 calendar year.

Needless to say, Kemmerer is excited, even ecstatic to be in the running for this opportunity. We feel it's important to the City of Kemmerer's economy, Lincoln County's economy, the State's economy, as well as all the communities, counties, and cities that surround us.

During the construction of the last major project in our area, which was the Enterprise Gas plant, there were workers stretched out over many surrounding communities. I was employed there part time and I am personally aware there were workers residing and commuting from Evanston, La Barge, Cokeville, Randolph, Laketown, Montpelier, Mt. View, Lyman, Green River and probably other places.. Currently coal miners, powerplant workers and oilfield workers commute from these towns every day. We will all benefit from this type of project.

According to TerraPower and Rocky Mountain Power (PacifiCorp), the projected work force during construction is going to be about 1,500 craft workers, about 500 non-manual personnel; with permanent employees projected from about 150 to 250. Kemmerer will need the support of surrounding communities both during and after construction, should we be the chosen one.

My purpose for my letter to you is asking Mayors, Commissioners, and other local government officials to write a letter in support of this project. We believe this type of support is paramount to the choice that will be made later this year by Terra Power and PacifiCorp.

We feel time is of the essence that we convey your support. If you choose to support us in this effort, please write a letter and either mail it to:

Mayor Bill Thek  
City of Kemmerer  
220 State Highway 233  
Kemmerer WY 83 101-9700  
or email it to me at [hthek@kemmerer.org](mailto:hthek@kemmerer.org)  
Sincerely,

Mayor Bill Thek  
City of Kemmerer

**After discussion, the council unanimously agreed to support the project. A letter of support will be sent to Mayor Thek.**

- **Update on Mosquito Abatement – Dan Halstead**

Mr. Dan Halstead introduced himself stating that he does the mosquito abatement for the town. We did larvicide earlier this summer and now we're trapping mosquitoes (shows trap) and this is a CO<sub>2</sub> trap. This sleeve goes over this CO<sub>2</sub> (dry ice) goes in here, the mosquitoes get sucked down from a fan and go into here. I took this sample this afternoon and they're still alive. I put them in the cooler with some CO<sub>2</sub> and freeze and kill them and spend endless hours, counting sexing and trying to identify the species. We do this for our grant money because we're looking for a very specific mosquito *Culex tarsalis*. That is the vector for West Nile virus and is what keeps our grant money coming in. So far out of roughly 1400 mosquitoes that I have trapped, I haven't found a sample of *Culex* yet. I am getting 100% female mosquitos. In this afternoon's

sample and I would say there's 50 mosquitoes in there. The problem of mosquitos was mentioned by several in attendance. Most of these are woodland mosquitos. Ms. Meta Dittmer mentioned the numbers of mosquitos trapped at her house the previous year.

Mr. Halstead stated that he would also like to discuss the possibility of fogging. Now, we haven't fogged to the best of my knowledge ever in town or it's been 25 years or longer. So we've done larvicide in the past, which is basically treating the larvae in the water before they emerge. To fog is to do it at 9:00 or 10:00 o'clock at night with the correct winds and with everybody house windows and doors shut. My recommendation is that we fog the Melvin Brewery road, we may fog down on the on the flats but until we get West Nile vectors identified and test positive, we are probably going to lean not to fogging neighborhoods. Mr. Halstead answered questions regarding the fogging protocol.

Mr. Halstead that as the Town Safety Officer he respectfully asks the City Council to provide funds for fencing off Ferry Peak Park. I find it to be a hazard with the open land and having dogs at large. I've pretty much stopped it for now at least the one dog that was doing it, but that doesn't mean other dogs can't and won't do it if other people move into the neighborhood with new dogs. It's a playground with lots of little kids. I'd hate to see a little kid get hit by a roaming stray dog. I know it's some good money that I'm asking for but I think in the long run it'll pay for itself in just a peace of mind. I got a rough estimate today of \$25,000 to \$30,000. I think it's something we need to do, whether or not we can do it this year I don't know. I say it would be nice to have a year to try and go after grants for it. Actually the fencing company recommended that we wait a year and see the materials don't come down because they're quite high now.

Councilman Larsen stated that if we can wait and then apply for a grant that will also some type of fencing for the skate park and bike park or what I am thinking, a sound barrier wall.

• **Economic Development Update**

Councilman Larsen gave the following Economic Development (EDC) Report.

- Everyone is very busy.
- There was no July meeting.
- The Oyster Bay Music Festival was approved and is this weekend.

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

**TOWN OF ALPINE GENERAL FUND**

**CLAIMANT**

**ALLOWED**

ACME MUSIC

\$1,000.00

AFLAC

\$297.70

ALPINE MOUNTAIN DAYS

\$300.00

ALPINE TRAIL & PATHWAYS LC GRANT

\$5,000.00

BLACK MOUNTAIN RENTAL

\$50.00

BLUE CROSS, BLUE SHIELD

\$7,308.89

BROULIMS ALPINE

\$355.18

BULL MOOSE LODGE MT. DAYS LODGING

\$546.00

CASELLE	\$56.77
COMTECH DIGITAL SOLUTIONS (SOUND SYSTEM)	\$11,536.60
CONRAD & BISCHOFF	\$112.09
DEARBORN LIFE INSURANCE	\$139.71
DINNER'S READY VISITOR CENTER MERCHANDISE	\$260.00
DRY CREEK ENTERPRISES INCLUDES MOUNTAIN DAYS	\$1,135.00
FDGL VISITOR CENTER CREDIT CARD LEASE	\$31.48
FIRST BANKCARD	\$3,727.61
FLYING PHOENIX FIREWORKS	\$5,000.00
FRITZ, JUSTIN REIMBURSEMENT	\$450.00
GARY FIELDS NATIVE AMERICAN DANCERS MOUNTAIN DAYS	\$2,600.00
GREAT WEST TRUST COMPANY LLC	\$6,700.00
GREEN TURF LANDSCAPING FY 2022 CONTRACT	\$4,837.77
GUFFEY, DAWL L.	\$1,656.00
HADERLIE FARMS VISITOR CENTER MERCHANDISE	\$173.04
HUNT CONSTRUCTION DUST GUARD	\$4,090.00
JENKINS BUILDING SUPPLY	\$585.66
LGLP 2022 MEMBERSHIP	\$2,638.00
LINCOLN COUNTY SHERIFF	\$15,606.50
LOGO BRANDERS VISITOR CENTER MERCHANDISE	\$168.92
LOWER VALLEY ENERGY	\$432.00
MATTHEW BENDER 2021 COURT PUBLICATION	\$225.31
MERCHANT FEE	\$148.75
PAYROLL	\$47,655.12
PENNY, BELINDA Cleaning	\$1,900.00
SANDERSON LAW OFFICE	\$3,106.25
SILVER STAR COMMUNICATIONS	\$679.15
STAR VALLEY ARTS COUNCIL SPONSORSHIP	\$1,000.00
STAR VALLEY CHAMBER OF COMMERCE	\$1,500.00
STAR VALLEY DISPOSAL	\$278.00
STAR VALLEY INDEPENDENT	\$862.25
THAYNE SENIOR CENTER	\$3,000.00
TOWN OF ALPINE WATER DEPT INC. MRG GRANT GREYS RIVER RD	\$6,979.63
TSYS	\$173.69
UNITED STATES TREASURY	\$8,499.58
USGS MAPS FOR VISITOR CENTER	\$108.00
UDSA FOREST SERVICE FIREWOOD PERMITS	\$1,071.00
VALLEY WIDE COOPERATIVE PROPANE	\$359.78
W.A.R.M. INSURANCE	\$12,937.75
WAMCAT DUES	\$65.00
WESTERN STATES EQUIPMENT	\$79.31
WYOMING CHILD SUPPORT	\$464.56

WYOMING RETIREMENT	\$4,656.39
XEROX CORPORATION	\$1,042.65
YOUNG, AUSTIN MOUNTAIN DAYS SECURITY	\$220.00
YOUNG, DYLAN MOUNTAIN DAYS SECURITY	\$440.00

**TOWN OF ALPINE SEWER DEPARTMENT**

<b>CLAIMANT</b>	<b>ALLOWED</b>
CASELLE	\$56.78
DRY CREEK ENTERPRISES INC	\$16,275.00
FALL RIVER RURAL ELECTRIC	\$3,933.00
FIRST BANK CARD	\$73.48
JENKINS BUILDING SUPPLY	\$50.57
LOWER VALLEY ENERGY	\$2,959.11
MACY'S SERVICES	\$235.00
SILVERSTAR	\$268.53
TOWN OF ALPINE Payroll, postage	\$7,724.00
TOWN WATER DEPT Billing fees, usage	\$132.76
USA BLUEBOOK	\$553.58
WARM INSURANCE	\$14,000.00

**TOWN OF ALPINE WATER DEPARTMENT**

<b>CLAIMANT</b>	<b>ALLOWED</b>
ALPINE EXCAVATION LLC	\$2,903.73
AMERICAN PUMP	\$26,714.33
BLACK MOUNTAIN RENTAL	\$70.00
BRENNTAG PACIFIC INC.	\$2,414.98
CASELLE INC.	\$56.78
CONRAD & BISCHOFF INC	\$201.56
CORE AND MAIN	\$7,344.59
DEPATCO	\$181.13
DOWD, SAM	\$75.46
FERGUSON WATERWORKS	\$619.21
JENKINS BUILDING SUPPLY	\$88.60
LINCOLN WATER QUALITY LAB Water testing	\$118.00
LOWER VALLEY ENERGY	\$4,382.70
MERCHANT FEES	\$1,904.81
MISSION COMMUNICATION LLC	\$583.00
OFFICE OF STATE LAND INVESTMENTS (LOAN PAYMENTS)	\$13,956.59
ONE CALL OF WYOMING	\$57.75
RENDEZVOUS ENGINEERING	\$23,186.64
RUSSELL INDUSTRIES INC.	\$588.00
SILVER STAR COMMUNICATIONS	\$260.46
SPEES, JASON	\$15.00

SUNRISE ENGINEERING GREYS RIVER ROAD WATER LINE	\$11,712.75
TOWN OF ALPINE Payroll, postage	\$8,591.77
TOWN OF ALPINE SEWER Usage	\$35,714.88
USA BLUEBOOK	\$2,024.53

**7. Adjournment:**

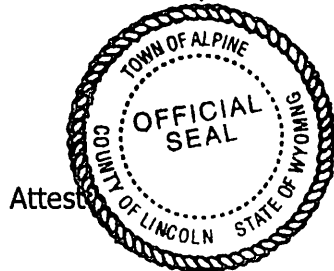
**Councilman Fritz moved to adjourn the meeting. Councilman Dickerson seconded the motion. There was no discussion. Vote: 5 Yes, 0 No, 0 Abstain, 0 Absent. Motion Carried.**

Mayor Lutz adjourned the meeting at 8:51 p.m.

W. Kennis Lutz, Mayor      8/17/21  
Date

Minutes taken and transcribed by:

Sharon Backus, Town Clerk/Treasurer      8/17/2021  
Date



Sharon Backus, Town Clerk/Treasurer      8/17/2021  
Date

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



# **RENDEZVOUS ENGINEERING, P.C.**

Civil Engineers and Planners in Wyoming and Idaho

**Rendezvous Project No: 11-010**

December 21, 2021

Kennis Lutz, Mayor  
Town of Alpine  
P.O. Box 3070  
Alpine, Wyoming 83128

**RE: Alpine Trail Head / 16-acre Parcel Concept / Water-Sewer Service**

**VIA EMAIL: kennislutz@gmail.com**

**Dear Kennis:**

First my apologies for not being able to attend the council meeting in person. I did not want to spread any more germs than are already being spread around during the dark days of winter.

As discussed previously, the Town has sufficient water to serve the areas within the Town city limits and areas likely to be annexed to the town in the future. The Town also has the option to expand its supply by upgrading several of the existing wells. Some of these upgrades can be considered when the pumps are replaced as a part of normal maintenance. Therefore, I do not see any issues providing a peak day flow of 155 gpm as estimated by Reeves and Associates. Also, with the available storage and pumping capacity, it should not be difficult to supply 1000 gpm for fire flow. The developers will need to size their main supply line appropriately to provide sufficient pressure to their site located approximately 6850 feet from the current water distributor system.

Sewer is more challenging. There is presently capacity in the current treatment plant which is operating at about 31% of its design capacity. However, when you project growth and sewer demands within the city limits and the areas likely to be annexed in the future, the full capacity of the plant will ultimately be utilized. At a projected annual growth rate of 5%, this full capacity would not be reached for another twenty plus years. The Town grew a total rate of 47.3% from 2010 to 2020 or an average of 4.7% per year. The 5% annual growth rate is a high rate to sustain over time but not necessarily unrealistic given past performance and the Town current and future annexations that are likely to occur.

As estimated by Reeves and Associates, the maximum day sewer flows would be approximately 54,600 gpd or about 13.6% of the current treatment plant capacity. This is also the equivalent of about 7 ½ years of growth at the 5% annual rate. This would then shorten the time when the Town would have to begin looking at a future plant expansion accordingly.

Costs to expand the plant capacity have yet to be developed. However, if the plant were doubled in size as originally anticipated, it would not be unrealistic to expect costs in the range of \$5 to \$6 million. Therefore, if the Town is to consider providing sewer service outside of the main city limits and likely expansion areas, it would make sense to begin looking at these expansion costs and the current tap fee schedule to ensure that there is adequate funds



available for a future expansion. The Town has made tap fees affordable at a standard in-town rate of \$5,000 per ERU which made sense when growth was limited. With the increase in growth, it would make sense for the town to revisit the tap fee schedule and ensure that the plant can be expanded with Town funds and not have to rely on future grants which may or may not be available when the need arises.

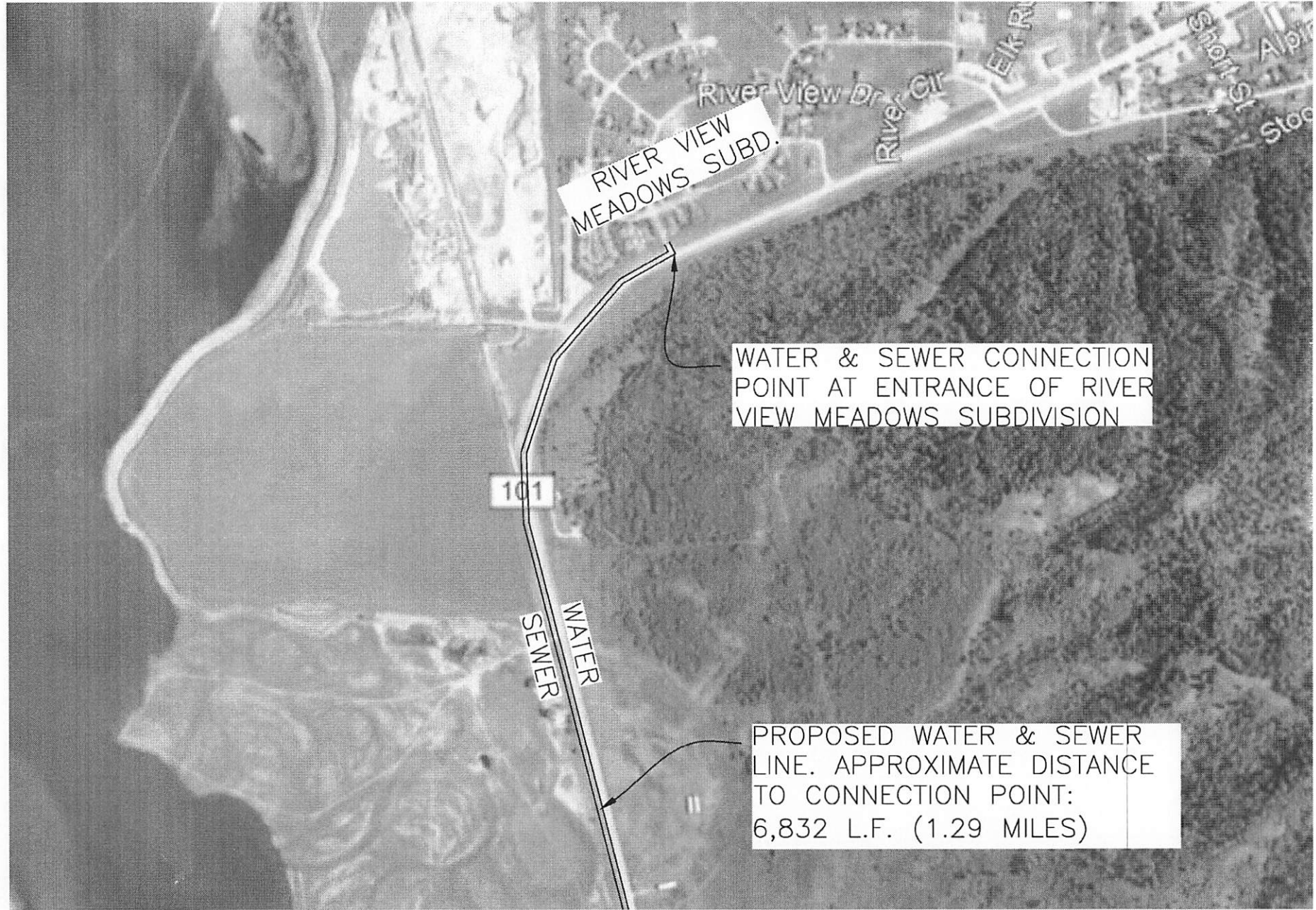
Sincerely,

*Robert Ablondi*

Bob Ablondi  
Alpine Town Engineer  
Wyoming P.E. 3114

Attachments: Utility Connection Exhibit / Alpine Trail Head Concept





RIVER VIEW MEADOWS SUBD.

WATER & SEWER CONNECTION POINT AT ENTRANCE OF RIVER VIEW MEADOWS SUBDIVISION

101

SEWER  
WATER

PROPOSED WATER & SEWER LINE. APPROXIMATE DISTANCE TO CONNECTION POINT: 6,832 L.F. (1.29 MILES)



**Town of Alpine**

**COUNCIL MEETING MINUTES**

**DATE: December 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 (via telephone), 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 Dickerson 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 – Public Hearing Liquor License Renewal Minutes; Public Hearing Minor Subdivision Minutes; and Council Minutes of November 16, 2021  
Planning and Zoning Minutes –October 26, 2021 and November 9, 2021  
Payment of Town Bills – See Attached Check Detail of Bill Payments  
Approval of MRG-19078 Greys River Road Water Replacement Grant Request # 6: \$916.88  
Approval of WYDOT TAP Project Reimbursement Request # 6 of \$1,688.80  
Approval of One Day Malt Beverage Permit for Melvin Brewing for Alpine Snow Cross  
January 15, 2022  
Approval of 2022 All-Nighter Permits for Tavern on the Greys and Bull Moose Saloon for  
June 25, 2022; July 23, 2022; October 29, 2022 and December 31, 2022**

**Councilman Larsen moved to approve the Consent Agenda. Councilman Burchard 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 Floyd Jenkins (3 Year Term expiring 12/31/2024) and Tim Hartnett (1 Year Term expiring 12/31/2022) of the Planning and Zoning Commission**  
Ms. Sharon Backus, Clerk/Treasurer administered the Oath of Office to Messrs. Hartnett and Jenkins. Messrs. Hartnett and Jenkins were congratulated by those in attendance.

- **Motion to take from the table "Approval of 2022 Liquor License Renewal for Broulim Supermarkets, LLC; Broulim Hardware, LLC; Conrad and Bischoff Inc.; La Cabana del Tequila; Melvin Brewing LLC, Microbrewery and Restaurant Licenses and Yankee Doodles, LLC".**

**Councilman Larsen moved to take from the table "Approval of 2022 Liquor License Renewal for Broulim Supermarkets, LLC; Broulim Hardware, LLC; Conrad and Bischoff Inc.; La Cabana del Tequila; Melvin Brewing LLC, Microbrewery and Restaurant Licenses and Yankee Doodles, LLC". Councilman Dickerson seconded the motion. There was no discussion. Vote: 5 Yes, 0 No, 0 Abstain, 0 Absent. Motion Carried.**

- **Motion to Approve the 2022 Liquor License Renewal for Broulim Supermarkets, LLC; Broulim Hardware, LLC; La Cabana del Tequila; Melvin Brewing LLC, (two) Licenses and Yankee Doodles, LLC with all licenses to expire December 31, 2022.**

**Councilman Larsen moved to approve the 2022 Liquor License Renewal for Broulim Supermarkets, LLC; Broulim Hardware, LLC; La Cabana del Tequila; Melvin Brewing LLC, (two) Licenses and Yankee Doodles, LLC with all licenses to expire December 31, 2022. Councilman Dickerson seconded the motion. There was no discussion. Vote: 5 Yes, 0 No, 0 Abstain, 0 Absent. Motion Carried.**

*A Public Hearing was held November 16, 2021 for the renewal of the Liquor Licenses for 2022. Please refer to those minutes for the discussion that ensued.*

- **Motion to Approve the Transfer of the County Malt Beverage Permit from Conrad Bischoff, Inc. dba KJ'S Alpine to Conrad Bischoff, LLC dba KJ'S Alpine effective 12/21/2021.**

**Councilman Larsen moved to approve the transfer of the County Malt Beverage Permit from Conrad Bischoff, Inc. dba KJ'S Alpine to Conrad Bischoff, LLC dba KJ'S Alpine effective 12/21/2021. Councilman Dickerson seconded the motion. There was no discussion. Vote: 5 Yes, 0 No, 0 Abstain, 0 Absent. Motion Carried.**

*A Public Hearing was held December 21, 2021 for the transfer of the County Malt Beverage Permit from Conrad & Bischoff, Inc. to Conrad & Bischoff, LLC. Please refer to those minutes for the discussion that ensued.*

- **Motion to Approve the Renewal of a County Malt Beverage License for Conrad Bischoff LLC d.b.a. KJ'S Alpine to expire December 31, 2022.**

**Councilman Larsen moved to approve the renewal of the County Malt Beverage License for Conrad Bischoff LLC d.b.a. KJs Alpine to expire December 31, 2022. Councilman Dickerson seconded the motion. There was no discussion. Vote: 5 Yes, 0 No, 0 Abstain, 0 Absent. Motion Carried.**

*A Public Hearing was held December 21, 2021 for the renewal of the Liquor License for 2022. Please refer to those minutes for the discussion that ensued.*

- **Planning and Zoning Commission Update – Tim Hartnett**  
Mr. Tim Hartnett of the Planning and Zoning Commission presented the following report. Things are slowing down. There are forty active building permits. The commission recommended approval of a minor replat of Elk Meadows Addition with a few conditions we would like clarified.

The Board of Adjustments approved a variance for the Swickards who purchased a house which encroached into the setback. The variance of 192 square feet was into the setback, not across the property line. This was not a major issue and just seemed like the right thing for the commission to do. It did not seem to put any hardship on the neighbors so that is why we came to our decision. The Swickard's bought the house and property not knowing it had a problem with a monument. The complainant was the next-door neighbor and was advised he too, could come to the same Board of Adjustments and use the same process to resolve any grievances he had. The Swickards wrote a nice letter to the town to thank them for listening to the variance request and to thank Christine for her assistance with this process. The recognition was nice to receive.

The biggest project now is the project in Riverview Meadows. Mr. Shepherd is moving right along, taking advantage of the weather. This project was grandfathered in before the Land Use and Development Code (LUDC), so the commission does not have much to say about this structure good or bad, so we just make recommendations.

Mayor Lutz thanked Mr. Hartnett for his report.

- **Recommendation for Final Approval of Replat for Property Located on Lot # 2 of the Zyland Subdivision Described in Plat Filing Referred to As Elk Meadows Addition to the Town of Alpine within the SE $\frac{1}{4}$  SW $\frac{1}{4}$  Section 20 Township 37N, Range 118W, Lincoln County, Wyoming with four stipulations.**
- **Motion to Approve the Final Minor Subdivision Replat Application for the Property Located on Lot # 2 of the Zyland Subdivision Described in Plat Filing Referred to as Elk Meadows Subdivision Addition to the Town of Alpine within the SE $\frac{1}{4}$  SW $\frac{1}{4}$  Section 20, Township 37N, Range 118W, Lincoln County, Wyoming.**

**Councilman Larsen moved to approve Final Minor Subdivision Replat Application for the Property Located on Lot # 2 of the Zyland Subdivision Described in Plat Filing Referred to as Elk Meadows Subdivision Addition to the Town of Alpine within the SE $\frac{1}{4}$  SW $\frac{1}{4}$  Section 20, Township 37N, Range 118W, Lincoln County, Wyoming. Councilman Dickerson seconded the motion. Discussion ensued.**

Mayor Lutz asked Ms. Backus to read the comments from Mr. Bob Ablondi, Town Engineer, into the record. Mr. Ablondi enumerated the following comments regarding the replat requirements that need to be completed prior to the council approving the final replat request by Mr. Lotshaw.

**ELK MEADOWS COMMENTS/SUGGESTED CONDITIONS by Bob Ablondi, Rendezvous Engineering.**

**SEWER:**

- 1) Provide modified sewer plan to the Town that generally follows the attached layout with temporary grinder lift station east of main junction manhole, running 2-inch force main to Junction Lift Station on the east side of Highway 26.
- 2) Install 10-inch permanent casing or larger under Highway 26, suitable for a 6-inch future force main adjacent to the existing valve vault for the Junction Lift Station. Coordinate with the Town for the location and depth of the casing.

- 3) Temporary grinder pump lift station can be minimum size to accommodate the immediate sewer needs with the plan for its replacement in the next 5 years.
- 4) Operation of the lift station to be the responsibility of Elk Meadows with operator to be preapproved by the Town of Alpine.
- 5) Install junction manhole on the north side of Bugling Elk Drive to accommodate 6-inch future force main from the east, 8-inch gravity incoming line from the south, 8 -inch incoming stub from the north and 10-inch outgoing stub to the west. Coordinate the depth and construction of this manhole with the Town of Alpine.
- 6) Provide 8-inch stub on terminal sewer manhole on Sagebrush Lane to the south.

**WATER:**

- 1) Provide 20-foot minimum easement between lots 2 and 3 for future water extension to the west. Extend existing water line outside of proposed pavement
- 2) Provide 8-inch gate valve at branch point from water line that runs along the Highway 26 right of way.

**UTILITIES:**

- 1) Provide power and utility plan that will service all lots and proposed lift station site.
- 2) Verify that the 24-foot road and utility easement on Sagebrush Drive is adequate for the proposed pavement width of 24 feet and underground utilities.
- 3) Recommend that power and communications utilities be included in the performance bond as essential infrastructure for a commercial subdivision.

**ROADS:**

- 1) Provide Town a copy of the current traffic study performed for this development along with comments and recommendations received from WYDOT.
- 2) Provide plan to address any recommendations received from WYDOT.
- 3) Provide a road plan that tapers from the proposed 24-foot-wide subdivision road to the 40-foot access apron. Show turning lanes to be added by the developer, for access to Highway 26
- 4) The 30-foot easement on the south side of Bugling Elk Drive will be dedicated to the Town with this plat. The northern 30-foot easement on Bugling Elk Drive should also be dedicated to the Town. A plan to accomplish this northern 30-foot dedication should be provided to the Town before infrastructure in the north 30 feet takes place.

**DEVELOPMENT AGREEMENT:**

- 1) Add language about temporary sewer and responsibility of Elk Meadows to maintain temporary lift station.
- 2) Add notary signature line so that development agreement can be recorded.

- 3) Provide language to insure a one-year warranty on all infrastructure from the date of substantial completion as determined by the Town of Alpine.
- 4) Extra costs, not specifically required by Elk Meadows, that may benefit future development may be subject to recapture payments for a period of up to 10 years. The Town should not be responsible for any added costs. The Town would provide the terms of the recapture agreement.
- 5) A statement should be added that acknowledges that all work will be in accordance with the latest edition of the Wyoming Public Works Standard Specifications which are used by the Town of Alpine for municipal work.
- 6) Provide an updated version of the development agreement addressing these issues.

A dialog ensued between Mr. Lotshaw, Mr. David Kennington, Mr. Marlowe Scherbel (via telephone) and the Town Council. Mr. John Lotshaw stated that he had no problem with 80-90% of these issues. Mr. Marlowe Scherbel will address any easement issues. All the easement issues as well as the sewer line have been addressed. The question is how long the contract will last; three years maximum on the current plan but the town wants five years. The one-year completion of the project is already in the Development Agreement. Mayor Lutz stated that this project was thoroughly discussed at the November meeting.

Discission then ensued between the council and Mr. Lotshaw, Mr. Scherbel and Mr. Kennington to address each item on Mr. Ablondi's list. Mr. Lotshaw stated that the sewer items have all been addressed except the three-year or five-year replacement of the lift station. The town wants five years. All water items have been addressed. Utility items 1 and 2 have been addressed. Utility item 3 is partially addressed in that Lower Valley Energy is under contract and paid so this point is moot. Silver Star Communication has not been paid. So, item 3 need not be part of the performance bond because the town ordinance does not require power and communication to be bonded, these will not be bonded. Both Lower Valley Energy and Silver Star Communications have lines right to the property, so it is just a matter of connection.

Mr. Lotshaw stated that with respect to roads, items 3 and 4 must be issued from WYDOT. Mayor Lutz stated that until the town receives a letter from WYDOT granting access to the approach, the final plat will not be approved. Mr. Marlowe Scherbel stated that the approach permit had already been approved by WYDOT. The traffic study indicates the need for a turn lane be it striped or an additional lane. Mr. Dave Kennington indicated that he had not yet sent the traffic study to WYDOT. Mayor Lutz stated that he is looking for a final letter from WYDOT stating that they are okay with the egress/ingress and project overall. Mayor Lutz stated that there is also an issue with the easement for power from the north coming into the east and asked if a license was needed from WYDOT. Mr. Scherbel stated that they just need to tie in, the line is already there and covered by Lower Valley Energy and Silver Star Communication Permits.

Mr. Scherbel stated that if you look at the latest plat map, we are only dedicating a part of Bugling Elk Drive to within twenty feet of the west boundary of lots 1 and 2 and providing the town with a private easement. Mr. Sanderson and Mr. Voyles are preparing documents so the town gets the full dedication but it holds short of the neighboring properties so the town will have some negotiating powers and the town will have that last twenty feet of the road as a private road easement granted

to the town. This allows you to control it and dedicate it at a time that suits the needs of the town. Mr. Scherbel stated that to his knowledge all other easements are in place.

Mr. Scherbel asked if the lift station agreement was worked out between Mr. Lotshaw and the town. Mr. Lotshaw stated that he had agreed to take care of the lift station for three years but needed to know the bounds of the agreement. Mayor Lutz stated that Mr. Lotshaw is responsible to make sure the lift station is still working, to do routine maintenance. Anything larger will need to be repaired and the town reimbursed. Mayor Lutz stated that the town wants five years in the development agreement recognizing that it is hoped the lift station will not be there that long. That would be one year guarantee and four additional years.

Mr. Scherbel questioned item 4. Mayor Lutz stated this is recapture. The sewer line is not large enough to involve recapture, but the water may be. Typically, when someone ties into that line, the town charges recapture and then would pay it back to Mr. Lotshaw.

Mr. Scherbel stated that the Planning and Zoning Commission wanted setbacks shown on the final plat map, but setbacks will be determined at the time the project is permitted. We cannot predict how a building will be placed on the lot, so this should be handled in the permitting process. Mr. Hartnett stated that the concern was frontage on the Highway 26/89. Mr. Scherbel stated that this depends on how the building is placed, if the building is set to the north, you have a 25' and 25' setbacks, if to the west it would be 20' to the rear and 15' to the side; it just depends on the placement. Mayor Lutz stated that that makes sense, and it would be handled during the building permit process.

Mr. Scherbel stated that they still need to get a letter from WYDOT to the town addressing the access, sewer is finished except putting the five-year operation details in the Development Agreement. The water is complete. Mr. Lotshaw needs to get a copy of the receipt from Lower Valley to the Town. The final details of the Development Agreement must be reviewed by Attorneys Voyles and Sanderson. Mr. Scherbel then asked for approval to sign the appropriate documents as they are amended per this discussion and sign the Mylar at the same time.

Mayor Lutz stated that he will not sign the Mylar tonight but will do so when all items are complete, and the Town Attorney and Town Engineer agree with this but will ask for a motion to authorize me to sign this when complete.

**Councilman Larsen moved a substitute motion to approve Final Minor Subdivision Replat Application for the Property Located on Lot # 2 of the Zyland Subdivision Described in Plat Filing Referred to as Elk Meadows Subdivision Addition to the Town of Alpine within the SE $\frac{1}{4}$  SW $\frac{1}{4}$  Section 20, Township 37N, Range 118W, Lincoln County, Wyoming and to authorize Mayor Lutz to sign the Plat Mylar once all conditions have been met and signed off by the Town Attorney. Councilman Dickerson seconded the motion. There was no discussion. Vote: 5 Yes, 0 No, 0 Abstain, 0 Absent. Motion Carried.**

- **Motion to Adopt 483 Resolution No. 12-21-2021 A Resolution Re-Committing Support on Behalf of the Governing Body of the Town of Alpine to Provide Local Cash Matching Funds and Funds for any Cost Overruns Associated with a Wyoming Business Council Community Readiness Project for the Purpose of Constructing a New Wastewater Pre-Treatment and Sludge Handling System for the Town of Alpine.** Ms. Backus read 483 Resolution No. 12-21-2021 into the record.



Councilman Larsen moved to adopt 483 Resolution No. 12-21-2021 "A Resolution Re-Committing Support on Behalf of the Governing Body of the Town of Alpine to Provide Local Cash Matching Funds and Funds for any Cost Overruns Associated with a Wyoming Business Council Community Readiness Project for the Purpose of Constructing a New Wastewater Pre-Treatment and Sludge Handling System for the Town of Alpine". Councilman Dickerson 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](http://alpinewy.org)*

- **Final Report of Flow and Capacity Calculations – Robert Ablondi, Town Engineer**

Mr. Ablondi was not present, but the following correspondence was read into the record by Ms. Backus.

*December 21, 2021*

*Kennis Lutz, Mayor  
Town of Alpine  
P.O. Box 3070  
Alpine, Wyoming 83128*

*RE: Alpine Trail Head / 16-acre Parcel Concept / Water-Sewer Service*

*Dear Kennis:*

*First my apologies for not being able to attend the council meeting in person. I did not want to spread any more germs than are already being spread around during the dark days of winter.*

*As discussed previously, the Town has sufficient water to serve the areas within the Town city limits and areas likely to be annexed to the town in the future. The Town also has the option to expand its supply by upgrading several of the existing wells. Some of these upgrades can be considered when the pumps are replaced as a part of normal maintenance. Therefore, I do not see any issues providing a peak day flow of 155 gpm as estimated by Reeves and Associates. Also, with the available storage and pumping capacity, it should not be difficult to supply 1000 gpm for fire flow. The developers will need to size their main supply line appropriately to provide sufficient pressure to their site located approximately 6850 feet from the current water distributor system.*

*Sewer is more challenging. There is presently capacity in the current treatment plant which is operating at about 31% of its design capacity. However, when you project growth and sewer demands within the city limits and the areas likely to be annexed in the future, the full capacity of the plant will ultimately be utilized. At a projected annual growth rate of 5%, this full capacity would not be reached for another twenty plus years. The Town grew a total rate of 47.3% from 2010 to 2020 or an average of 4.7% per year. The 5% annual growth rate is a high rate to sustain over time but not necessarily unrealistic given past performance and the Town current and future annexations that are likely to occur.*

*As estimated by Reeves and Associates, the maximum day sewer flows would be approximately 54,600 gpd or about 13.6% of the current treatment plant capacity. This is also the equivalent of about 7 1/2 years of growth at the 5% annual rate. This would then shorten the time when the Town would have to begin looking at a future plant expansion accordingly.*

*Costs to expand the plant capacity have yet to be developed. However, if the plant were doubled in size as originally anticipated, it would not be unrealistic to expect costs in the range of \$5 to \$6 million. Therefore, if the Town is to consider providing sewer service outside of the main city limits and likely expansion areas, it would make sense to begin looking at these expansion costs and the current tap fee schedule to ensure that there is adequate funds available for a future expansion. The Town has made tap fees affordable at a standard intown rate of \$5,000 per ERU which made sense when growth was limited. With the increase in growth, it would make sense for the town to revisit the tap fee schedule and ensure that the plant can be expanded with Town funds and not have to rely on future grants which may or may not be available when the need arises.*

*Sincerely,  
Bob Ablondi*

**Councilman Larsen moved to provide a Will-Serve Letter for Water and Sewer to Alpine Trail Development south of the Town of Alpine city limits. Councilman Dickerson seconded the motion.** Discussion ensued. Mayor Lutz stated that this development is out of town, so the out-of-town rates for tap fees will be in effect for this development. Mayor Lutz recommended that the tap fees for this development as well as the usage fees paid be deposited into the Sewer Reserve for Replacement Costs bank account. There was no objection to setting these funds aside for future replacement costs. **Vote: 5 Yes, 0 No, 0 Abstain, 0 Absent. Motion Carried.**

- **Motion to take from the Table "Top of the Rockies Request for ARPA Funds"**

**Councilman Larsen moved to take from the table "Top of the Rockies Request for ARPA Funds". Councilman Dickerson seconded the motion.** There was no discussion. **Vote: 5 Yes, 0 No, 0 Abstain, 0 Absent. Motion Carried.**

- **Motion to Postpone Indefinitely "Top of the Rockies Request for ARPA Funds from the Town of Alpine"**

**Councilman Larsen moved to postpone indefinitely "Top of the Rockies Request for ARPA Funds". Councilman Dickerson seconded the motion.** There was no discussion. **Vote: 5 Yes, 0 No, 0 Abstain, 0 Absent. Motion Carried.**

*In parliamentary procedure, the motion to postpone indefinitely is a subsidiary motion used to kill a main motion without taking a direct vote on it. This motion does not actually "postpone" it.*

- **Fiber Update – Councilman Larsen**

Councilman Larsen stated that the plan to move forward is that Surveyor Scherbel will begin the workflow study before spring consisting of identifying roads/properties for which an easement is needed. Mr. Scherbel will handle the exhibit and description side of this process. This is then handed off to Councilman Larsen who will identify and verify ownership with iDOC. A list of the streets, lots and owners will then be passed on to Mr. Sanderson to write up easement documents. Then Councilman Larsen and volunteers with Notary Public certification will go door to door to notarize the signatures on the easement documents. Lastly these documents will be recorded in Lincoln County.

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

Mr. Sanderson stated there is no update, this is a months long process.

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

Mayor Lutz reported that the Master Plan Revision Committee met last night to cover the results of the survey. Overwhelmingly, the public would like the town to keep the seven acres of open space next to the sewer plant for recreation so that takes care of that issue. It was a good survey.

Councilman Larsen stated that there is a copy of the survey results in the office and the public may come into the office and pick up a copy. This survey was sent to water customers whose email was on file at the office. This survey will run through the weekend, then a couple of changes to the survey will be made and it will be launched in a full-scale blast via social media for the public input.

Mayor Lutz stated that it is obvious that the town needs to get someone on board as a Town Planner, who will take the results of the survey to someone who can update the Master Plan. We will see what comes out of the next round of the survey results. We will look around to find a good planner to take this on and look for funding to do this.

- **Economic Development Update – Councilman Larsen**

Councilman Larsen stated that he lost the connection with the meeting as the committee was discussing the Nuclear Plant in Kemmerer. It is estimated that they will need 2,500 to 5,000 workers just for the build. Kemmerer is trying to figure out where they will house these workers. Right now, they are in the planning stage. Mayor Lutz asked about the red tape Kemmerer has to go through. Mr. Sanderson stated that the project must be started with 3-4 years.

Other than that, the towns are getting ready for Christmas and the holiday traffic.

- **Motion to move into Executive Session per Wyoming State Statute 16-4-405 (a)(iii) Legal**

**Councilman Larsen moved into Executive Session per Wyoming State Statute 16-4-405 (a)(iii) Legal matters. Councilman Dickerson seconded the motion. There was no discussion. Vote: 5 Yes, 0 No, 0 Abstain, 0 Absent. Motion Carried.**

*Mayor Lutz excused the public. The council went into executive session at 8:01 p.m.*

*Mayor Lutz called the meeting back to order at 8:27 p.m. There was still a quorum of the council present.*

**Mayor Lutz stated that no decisions were made in Executive Session.**

**6. Tabled Items: None**

**TOWN OF ALPINE GENERAL FUND**

<b>CLAIMANT</b>	<b>ALLOWED</b>
AFLAC	\$297.70
ALPINE ACE HARDWARE	\$1,199.81
ALPINE EXCAVATION	\$25,694.21
ASCAP	\$367.00

BANK OF STAR VALLEY Loan Payments	\$146,719.52
BEAU TAYLOR	\$235.42
BLACK MOUNTAIN RENTAL	\$226.32
BLUE CROSS, BLUE SHIELD	\$7,308.95
BROULIMS ALPINE	\$104.93
CASELLE	\$56.77
COMTECH DIGITAL	\$2,497.00
CONRAD & BISCHOFF	\$114.33
DEPATCO	\$1,681.41
DRY CREEK ENTERPRISES	\$306.00
DUSTIN ,URRELL	\$19.04
FDMS VISITOR CENTER CREDIT CARD LEASE	\$31.48
FIRST BANKCARD	\$3,954.09
FP MAILING SOLUTIONS	\$500.00
GREAT WEST TRUST COMPANY LLC	\$7,100.00
GUFFEY, DAWL L.	\$1,848.00
H-K CONTRACTORS	\$3,090.00
IDAWY WASTE DISTRICT	\$10.00
JENKINS BUILDING SUPPLY	\$1,723.52
JENKINS, DAVID	\$50.00
KJS SUPER STORE	\$169.31
LAPIER, KRISTA	\$282.40
LINCOLN COUNTY SHERIFF	\$606.50
LOWER VALLEY ENERGY	\$590.01
LUTZ, KENNIS	\$168.00
MERCHANT FEE	\$118.80
MOUNTAIN STATES LIGHTING	\$919.71
NAPA ALL STAR AUTO PARTS	\$587.63
NAUMOFF, RICK	\$157.50
PAYROLL	\$49,167.43
PENNY, BELINDA Cleaning	\$1,470.00
RHINEHART OIL CO LLC	\$989.89
ROCKY MOUNTAIN COMPETATIVE SOLUTIONS	\$152.76
SANDERSON LAW OFFICE	\$2,218.75
SEE JACKSON HOLE	\$602.00
SILVER STAR COMMUNICATIONS	\$899.64
STAR VALLEY DISPOSAL	\$193.00
STAR VALLEY PHYSICIANS	\$51.00
STEWART PLUMBING	\$3,800.00
SUNRISE ENGINEERING	\$2,111.00
TORMACK CUSTOM SCREENING Visitor Center Merchandise	\$2,484.76
TOWN OF ALPINE DOG SLED SPONSORSHIP	\$200.00
TOWN OF ALPINE WATER DEPT	\$33,711.72

TSYS	\$200.35
UNITED STATES TREASURY	\$9,306.72
UDSA FOREST SERVICE CHRISTMAS TREE PERMITS	\$1,500.00
VALLEY WIDE COOPERATIVE	\$3,168.84
WESTERN STATES EQUIPMENT	\$4,834.60
WYOMING CHILD SUPPORT	\$464.56
WYOMING DEPARTMENT OF WORKFORCE SERVICES	\$4,542.38
WYOMING RETIREMENT	\$6,262.74
XEROX FINANCIAL SERVICES	\$272.64

## **TOWN OF ALPINE SEWER DEPARTMENT**

<b>CLAIMANT</b>	<b>ALLOWED</b>
ALPINE EXCAVATION	\$4,860.00
BROULIMS ALPINE	\$14.28
CASELLE	\$56.78
CORE & MAIN	\$333.56
CUMMINS ROCKY MOUNTAIN	\$902.00
DRY CREEK ENTERPRISES INC	\$10,990.00
FALL RIVER RURAL ELECTRIC	\$15.50
FIRST BANKCARD	\$246.04
G & C CUSTOM EQUIPMENT	\$1,215.03
IMPERIAL PUMP SOLUTIONS	\$2,686.20
JENKINS BUILDING SUPPLY	\$82.65
KJS SUPER STORE	\$100.01
LOWER VALLEY ENERGY	\$2,599.50
SALT RIVER MOTORS	\$1,147.95
SILVERSTAR	\$267.24
TOWN OF ALPINE Payroll, postage	\$13,322.16
TOWN WATER DEPT Billing fees, usage	\$132.53

## **TOWN OF ALPINE WATER DEPARTMENT**

<b>CLAIMANT</b>	<b>ALLOWED</b>
ALPINE EXCAVATION	\$23,061.78
BARTOS, DENNIS	\$24.00
CASELLE INC.	\$56.78
CONRAD & BISCHOFF INC	\$105.90
CORE AND MAIN	\$2,651.28
DEPATCO	\$178.86
JENKINS BUILDING SUPPLY	\$331.12
JOHANSEN CONSTRUCTION	\$58,019.61
LINCOLN COUNTY CLERK	\$48.00
LINCOLN WATER QUALITY LAB Water testing	\$81.00
LOWER VALLEY ENERGY	\$2,274.90

MERCHANT FEES	\$1,674.65
ONE CALL OF WYOMING	\$12.75
SILVER STAR COMMUNICATIONS	\$382.10
TOWN OF ALPINE Payroll, postage	\$13,002.30
TOWN OF ALPINE SEWER Usage	\$37,820.85
USDA FOREST SERVICE	\$2,861.78
VANDEBURG EXCAVATION	\$315.00
VICTOR COASTAL LLC	\$158.00
WARWS	\$450.00

**7. Adjournment:**

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

Mayor Lutz adjourned the meeting at 8:28 p.m.

  
 \_\_\_\_\_  
 Justin Fritz, Mayor Pro tempore

1-18-2022  
 \_\_\_\_\_  
 Date

Minutes taken and transcribed by:

  
 \_\_\_\_\_  
 Sharon Backus, Town Clerk/Treasurer

1-18-2022  
 \_\_\_\_\_  
 Date

Attest:



  
 \_\_\_\_\_  
 Sharon Backus, Town Clerk/Treasurer

1-18-2022  
 \_\_\_\_\_  
 Date

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



## Monica Chenault

---

**From:** Jeremie Moore <jeremiemmoore@icloud.com>  
**Sent:** Wednesday, December 28, 2022 4:06 PM  
**To:** Monica Chenault  
**Cc:** Kent Hobson  
**Subject:** Re: Will Serve  
**Attachments:** 2022.12.23 Will Serve Star Valley Land Development LLC.pdf

Thank you Monica! Really appreciate the help on this one. I am sure we will be in touch in the near future.

Best,

Sent from my iPhone  
Jeremie M Moore  
Serenity, Inc  
307.699.1712 cell  
307.734.0927 office  
jeremie@serenityinc.com

> On Dec 28, 2022, at 3:56 PM, Monica Chenault <clerk@alpinewy.gov> wrote:

>  
> Please find attached the Will Serve Letter completed by our engineer signed by the Mayor today.

> Happy New Year!

> Respectfully,

>  
> Monica L Chenault  
> Clerk & Treasurer  
> Town Of Alpine  
> P.O. Box 3070  
> Alpine, WY 83128  
> (307) 654-7757  
> Website: www.alpinewy.gov

> E-mail to and from me in connection with the transaction of public business is subject to the Wyoming Public Records Act and may be disclosed to third parties.

> -----Original Message-----

> From: Jeremie Moore <jeremiemmoore@icloud.com>  
> Sent: Tuesday, December 20, 2022 5:56 AM  
> To: Monica Chenault <clerk@alpinewy.gov>  
> Cc: Kent Hobson <khobson@greatlakescapital.com>  
> Subject: Re: Test Email

> Thanks again for your time on this issue and I look forward to working with you moving forward.

> I am working with Great Lakes Capital, the applicant, on memorializing our agreement for the town to provide water and sewer to our development just South of Town.



>  
> On December 21, 2021 the town council voted in favor of allowing our development to connect to the city sewer and water system. At that time instructions were given to the town engineer to produce a Will Serve Letter that would outline the conditions of the connection. Our Engineer, Reeve and Associates, provided the town engineer with all the requested information regarding flows, system design, etc. As of today we have not received back any comment nor any documentation on where we stand with obtaining the letter.

>  
> We had a preliminary conference with Lincoln County and one of the key items for us to proceed with the county is the Will Serve letter from the Town of Alpine.

>  
> We would like to get on your meeting agenda for January to see if there is a way to move this item across the finish line sooner than later since a year has passed since our approval. We have a few ideas that we would like to present to the town to potentially assist in getting the letter completed.

>  
> Let me know what information you would like us to put together ahead of the meeting. Thanks again for your time and good luck with the new position.

>  
> Best,  
>  
> Sent from my iPhone  
> Jeremie M Moore  
> Serenity, Inc  
> 307.699.1712 cell  
> 307.734. 0927 office  
> jeremie@serenityinc.com

>  
>> On Dec 19, 2022, at 1:53 PM, Monica Chenault <clerk@alpinewy.gov> wrote:

>>  
>> Got it! Thanks!  
>>  
>> Respectfully,  
>>  
>> Monica L Chenault  
>> Deputy Clerk & Treasurer  
>> Town Of Alpine  
>> P.O. Box 3070  
>> Alpine, WY 83128  
>> (307) 654-7757  
>> Website: www.alpinewy.gov

>>  
>> E-mail to and from me in connection with the transaction of public business is subject to the Wyoming Public Records Act and may be disclosed to third parties.

>>  
>> -----Original Message-----  
>> From: Jeremie Moore <jeremiemmoore@icloud.com>  
>> Sent: Monday, December 19, 2022 1:52 PM  
>> To: Monica Chenault <clerk@alpinewy.gov>  
>> Subject: Test Email

>>  
>> Hi Monica! Just touching base. I will send out an email for the January 17th meeting.

>>  
>> Thanks,

>>

>> Sent from my iPhone

>> Jeremie M Moore

>> Serenity, Inc

>> 307.699.1712 cell

>> 307.734.0927 office

>> jeremie@serenityinc.com

## Monica Chenault

---

**From:** Bob Ablondi <rtaablon@rdzeng.com>  
**Sent:** Wednesday, December 28, 2022 10:24 AM  
**To:** Monica Chenault  
**Cc:** Kennis Lutz (kennislutz@gmail.com)  
**Subject:** Will Serve Letters / Cobblestone Motel; Alpine  
**Attachments:** WillServe\_Cobblestone\_12-23-22 (002).docx; Email\_ExcelEng-to-RTA\_12-20-22.pdf; WillServe\_StarValleyLandDevelopment\_12-23-22.docx; AlpineTrailhead\_UtilityExhibit\_7-14-2021.pdf

Monica,

Attached are Word copies of the two will-serve letters referenced above along with the attachments. Kennis indicated that he has reviewed and approved. We all thought it would be best to take care of these last two will serve letters since they were approved by the outgoing council.

**Cobblestone:**

Letter as Word File  
PDF of Email Correspondence with estimated flows

**Alpine Trailhead:**

Letter as Word File  
PDF of Exhibit map with estimated flows

Let us know if you have any questions.

Bob Ablondi  
Rendezvous Engineering  
307-733-5252 (office)  
307-413-3052 (cell)



# Town of Alpine

*Mayor:*  
*Kennis Lutz*

*Council Members:*  
*Andrea Burchard*  
*Frank Dickerson*  
*Justin Fritz*  
*Jeremiah Larsen*

December 23, 2022

Star Valley Land Development, LLC  
7410 Aspect Drive  
Suite 100  
Granger, IN 46530

Re: Water and Sewer Will Serve Letter / Alpine Trailhead Development  
Lincoln County Parcel No. 36190320000400 / 16.12 ac

Gentlemen:

Please accept this will serve letter, approved by the Alpine town council on December 21, 2021, to provide sewer and water service to the Alpine Trailhead development located south of Alpine along the east side of Highway 89 in the NW ¼ of Section 3 T36N R118W. The project includes 105 3-bedroom units with a total of 315 bedrooms. The estimated population served at buildout, based upon an average of 2 persons per first bedroom and one person for each additional bedroom, would be 420.

It is our understanding that the average day, maximum day and peak hour water demand and sewer flows are projected to be as follows at full occupancy:

ALPINE TRAILHEAD DEVELOPMENT ESTIMATED SEWER FLOWS AND WATER DEMANDS <sup>1</sup>				
	Average Day, gpd <sup>2</sup>	Maximum Day, gpd	Maximum Day, gpm	Peak Hour, gpm
Wastewater	35,000	52,500	36	91
Water	60,000	89,510	62	155
Needed Fire Flow, gpm			1,000	

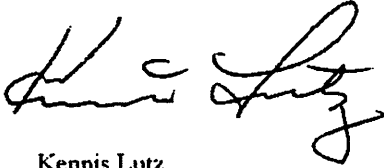
Notes: 1. Estimates in this table were provided by Reeves and Associates as shown in the attached exhibit dated 7/14/2021.

250 RIVER CIRCLE • P.O. BOX 3070 • ALPINE, WY • 83128  
PHONE: 307-654-7757 • FAX: 307-654-7454

2. Average flow assumed to be 67% of the maximum day flow.

The council's approval to provide water and sewer service was based upon the current available capacities within the wastewater treatment plant and potable water supply system. Also, the project would be subject to the schedule of Alpine tap fees and user fees in effect at the time physical taps are made to the water and sewer systems.

Sincerely,

A handwritten signature in black ink, appearing to read "Kennis Lutz". The signature is written in a cursive, flowing style.

Kennis Lutz  
Mayor, Town of Alpine

Enclosure: 7/14/2021 Utility Connection Exhibit



**MF-Alpine Townhomes - Lincoln County, WY**  
 Sewer and Water Demand Calculations  
 7/14/2021

Building Type	# of Buildings	# of Units	# of Bedrooms	Daily Design Sewer Flow Per Building (gpd)
5-Flux Units	1	43	131	2500
4-Flux Units	3	36	108	2000
3-Flux Units	3	24	72	1500
<b>Total</b>	<b>7</b>	<b>103</b>	<b>311</b>	

Sewer Allocation Daily Total 5,250 gpd  
 Sewer Average Daily Flow 36 gpm  
 Sewer Peak Daily Flow 91 gpm (2.5 peaking factor)

- 1) Sewer daily demands are calculated at 1.5 gpd/capita. Units are assumed to have 2 residents for the first bedroom, with 1 additional resident for each additional bedroom.
- 2) Sewer is to be pumped to the Town of Alpine approximately 7,200 feet. The elevation difference is approximately 50 feet. The lift station will be designed with the daily flows listed above. Preliminary line sizing indicates a 6" pumped at 150 gpm require a 15% at 15'. No other flows are associated to the system at this time.

Building Type	# of Buildings	# of Units	# of Bedrooms	Daily Water Flow Per Building (gpd)
5-Flux Units	1	43	131	2800
4-Flux Units	3	36	108	2080
3-Flux Units	3	24	72	1560
<b>Total</b>	<b>7</b>	<b>103</b>	<b>311</b>	

Indoor Water Total 54600 gpd  
 Outdoor Water Total 54910 gpd  
 Water Total 89510 gpd  
 Water Average Daily Flow 62 gpm  
 Water Peak Daily Flow 155 gpm (2.5 peaking factor)  
 Fire Flow 1000 gpm

- 3) Water indoor daily demands are calculated at 150 gpd/capita. Units are assumed to have 2 residents for the first bedroom, with 1 additional resident for each additional bedroom.
- 4) Water outdoor daily demands (irrigation) are calculated at 130 gpd/acre. For the preliminary plan, approximately 9 acres are to be irrigated with 1" required per week.

**16-Acre Parcel**  
 Lincoln County, Wyoming

**Developer:**  
 Great Lakes Capital  
 Ryan Rents  
 405 S. Falls Creek Road  
 P.O. Box 1983  
 Wilson, WY 83014  
 (574) 251-4400



DATE	
DESCRIPTION	

**16 Acre Parcel**  
 LINCOLN COUNTY, WYOMING  
**Utility Connection Exhibit**

**Project Info:**  
 Engineer: S. Reeve  
 Designer: C. Fink  
 Begin Date: 7/14/2021  
 Name: 16 ACRES #16021  
 Number: 7631-02

Sheet **1** of **1**  
 Shields

THESE PLANS AND SPECIFICATIONS ARE THE PROPERTY OF REEVE & ASSOCIATES, INC., 8440 S. 1380 W., RIVINGTON, UTAH 84403, AND SHALL NOT BE REPRODUCED, RE-DESIGN, OR USED ON ANY PROJECT OTHER THAN THE PROJECT SPECIFICALLY DESIGNED FOR, WITHOUT THEIR WRITTEN PERMISSION. THE OWNER AND ENGINEER OF REEVE & ASSOCIATES, INC. DISCLAIM ANY LIABILITY FOR ANY OMISSIONS OR INDEFINITIONS AS TO THESE PLANS OR THE DESIGN THEREIN WITHOUT THEIR CONSENT.