

Thayne Town Council Meeting  
November 20, 2024

**FINAL**

Council in attendance: Mayor Simpson, Councilmember Passey, Councilmember Pelletier, Councilmember Woolley and Rebecca Hutchinson  
Councilmember Heward Excused

**Welcome:** Mayor Devin Simpson

**Pledge of Allegiance:** Councilmember Woolley

**Prayer:** Mayor Simpson

**Approval of October 16, 2024 Council Meeting Minutes, September 11, 2024 and October 16, 2024 Executive Session Meeting Minutes, and Adoption of the November 20, 2024 Agenda as Finalized.**

**Motion-** Councilmember Woolley

**Seconded-** Councilmember Passey

**Motion Carried**

**Public Comment**

**None Given**

**Greg Berdar-Star Valley Meadows Manager**

Needs some clarity between the Town and themselves. Presented to the Town some observations they have made. Town approved to expand the Town by 27% in October of 2018 by approving Star Valley Meadows subdivision. At that time the median cost of a US home was \$322,000 with an average of 380,000 to give you an idea of where we were in the Valley at that time in November of 2018 they sold a house in plat 5 in Star Valley Ranch for \$306,000 a 1600 square foot log home with full basement. In January 2020 the average increase from \$322,000.00 to \$328,000.00. Then in October the price had risen to \$497,000 per median home. We started out expecting a 1337 sq ft home would sell for \$375,000.00 in the Meadows in the end they ended up costing \$420,000.00 due to the cost and interest rates. Nationally the median went down but not in the Valley. All the information presented is public data. Southerby's Real Estate shows that the new median for the central valley, from the Narrows to Nordic Ranches is \$680,000.00 compared to the National at \$479,000.00. National averages continue to go down, but our averages continue to increase. 2022 US Census put an average income \$74,000.00. Wyoming Low Income Housing Energy Assistance Program 2023 puts it at \$98,354.00 for a four-person home. What makes all this important and will help there be some understanding with the Town Council. A person making \$100,000.00 a year can only afford a \$338,000.00 home with no other debt. The least expensive homes in the Valley are those that the Berdar's are building. Missing housing that working class people can afford. The Berdar's are selling the least expensive standard housing between Swan Valley and Hoback, between the Narrows and the Montana border. The Berdar's mission is to get the price as low and as tight as they possibly can. The reason he has come to the council is because he feels that the Town is not helping with that mission. A first-time home buyer will need to put down \$13,825.00 to buy a house, that is with a government program with 3.5% down. If you do not buy a new home or one that qualifies for government financing and meets the criteria. The point is that the Berdar's feel they are the best chance for anyone to get into a home because they are new, and they qualify for FHA and they are the least expensive houses in the area. The pricing trend is only increasing. Does not want to be argumentative or confrontational but he feels the Town is working against them and has no regard for their business or present grievances. There is a lot of wasted time. The once a month permitting is a big issue. Waiting two weeks to get a permit and then putting all the other things together to get into construction is a monumental cost. They get into construction financing at 13% to 14% per unit which comes to

approximately \$3,000.00 a month. If there are wintertime concerns, then it extends and exasperates the cost. Right now, financial delays are costing around \$12,000.00-\$15,000.00 per unit. The lack of communication with the Town businesses directly impacts our business if we are not related for example the Town has not proposed a restriction on how many cars can enter your parking lot without discussing it with other businesses. Seemingly so, without any input from the Berdar's and how the outcome impacts the community just makes the housing more expensive. Acting without cause. Increase size restriction was implemented contrary to public input without any mention to the Berdar's before or after. They feel that there was no call for the change and is only damaging to the community. The trend is toward smaller houses and rentals. Most people cannot afford the expense. There is a huge deficit in housing. Mandated Town meetings for reviews for what should be a rubber stamp operation, this is unnecessary and only persecutes their business as if house building is somehow less routine than having a gasoline bomber arrive gasoline storage tank. They are not doing anything dangerous, and they are not custom homes. They build four models that are the same each time. Nothing changes except the lot that it goes on. Neglecting our agreements as well as our relationship. We are in business together and that means something to them. Agreement to Annex. The reason the Town agreed to the annexation of Meadows subdivision is the reason all Town's do and that is for growth. The Town did not agree to the annexation so that it could be farmed. The Town adopted the Master Plan for the entire subdivision not just part. In our relationship it presents the idea that by adoption the intent of the Master Plan will be carried out. Agreement to Develop. Our agreement to develop was only for phase one, which was an error on their part, but there is still the same intent which is established in the Master Plan. I do believe that no person would lack the understanding that houses were going to be built according to the documents that were submitted and were agreed to. Due to the Town's neglect of our business relationship, agreements and good will, we have no choice but to file a suit in court. Greg Berdar outlined the breach. In November 2023 two building permits were applied for, for two 900 sq ft homes in accordance with their agreements. The Town denied the permits stating that the minimum allowance by Ordinance was 1,000 sq ft. They modified the plans and reworked the two sell contracts and agreed to eat the loss generated by the increase in size. Thereafter the Town went ahead and, as mentioned earlier, an increase in size even further killing the two contracts and financing and denying two young people from having a home. The Town did not seem to care how their time was being spent or money. The estimated cost from Sunrise Engineering was \$190,000.00 for the subdivision. Over \$350,000.00 was spent to make the Town happy with the horizontal build-out. Only to end up with a 60 ft right of way all on one side of the street. Houses 60 ft away from the pavement and the other side 25 ft. Engineering where the street is on average 2 ft above the surrounding lots, all which add greatly to the cost of developing as well as the cost of the houses. Our annexation agreement along with the Master Plan established what existed to the Town Code is a Planned Unit Development, PUD, meaning use outside the current zoning regulations so statistically planned otherwise needing special requirements, otherwise our subdivision would not be possible according to law. The Master Plan depicts 100 single family units on roughly 40 acres comprising of 4-plexes, duplexes, and single homes of various sizes. Only the single homes were permitted by existing code no other uses were permitted without the evident Master Plan which depicts five housing sizes to be constructed one is a 4-plex 42' X 116' a twin home of 42' X 58' and three single family houses of 24' X 36' 864 sq ft. 30' X 40' 1,200 sq ft. and 30' X 50' 1,500 sq ft. Understanding that anything from 864 sq ft. and up would be a reasonable assumption. Given that the Town's Ordinance was previously set at 1,000 sq ft. they did not argue and took the path of least resistance and made the accommodation only to have the Town wreck the two deals. The damages are currently calculated at about \$365,000.00. Perhaps more if the court will allow other costs associated with this problem. We have no choice but to pursue this contract breach in our minds as the Town is unresponsive except for councilman Pelletier. Outlined legal activities. Minimum size requirements violate the 5<sup>th</sup> amendment rights of the people, it is taking from someone for public benefit. There is no purpose of public health or bodily security such as the building therefore it constitutes a taking, which by Wyoming Law it can be construed as a tax. Town permit requirements amount to extortion or at least coercion. A building permit is just that, a permit to

build, not a contract for water services or contract to remove snow or any other thing. Tying it to an impact fee is extortion, the premise proportionality warrants that the fee should be relatable to an actual cost, such as Rebecca processing the permits and any overhead associated with that. Impact fees, there can be a lot said here. Mostly, besides being illegal, it's stealing, as an example we agreed to install the infrastructure to be given to the Town, then the Town turns around and mandates a fee for the infrastructure that was just turned over. The Town does next to nothing for it such as provide material or labor for it. Wyoming Laws are clear on how to run a Water and Sewer district, and it does not include any of these. Supreme Court rulings on this matter (examples were given). If they have 100 homes and once complete there will be enough people in the HOA will have enough clout to collect all the ill got money. Mr. Berdar expressed his regrets of having to have this conversation with the Council and expressed not wanting to go down the current road but does not see that they have a choice.

### **Juan Herrera**

Is planning to develop the property that he purchased north of Juan's. An old garage and an RV pad are already on the property. Presented to the Town a proposed plan of what he would like to do with the property. Planning to tear down the old garage and build a two-story modular apartment building with two units 16' X 42'. Hoping to have some feedback from the Town before applying for permits of what is allowed. In the back of the property, he plans to add 4 RV pads. Already a manhole on the property for sewer. The property is zoned commercial. Mayor Simpson advised Juan to contact the State Fire Marshal to check on all requirements. The mayor asked that as part of the application he include a map of the property with everything that he is planning to add to the property. With more detail and specific measurements. Include the preexisting buildings on the property. All the structures will have an impact fee. Will not pay for an impact fee on anything that is currently there. If he connects all four lines for the RV pads back to the sewer line that is already existing there will only be one connection fee but four impact fees. The existing garage already has water and sewer. Discussion on meters.

### **Sunrise Engineering**

No Report.

### **Judge Lawton**

Council did not have any questions regarding this month's report.

### **Councilmember Heward-Excused**

#### Recreation

Ski Club will go to Beaver Mountain this year instead of Targhee.

#### Travel and Tourism

### **Councilmember Pelletier**

#### Community Center

Have 3 pianos located at the community center. Two are owned by the Arts Council but the public uses the pianos. Council agreed to have the pianos tuned.

Changed the internet speed at the Town Hall to help the upload of the camera picture. Still working on getting the system completed.

Kitchen – Aracely Herrera would like to use the community center kitchen to prep food for her food truck. She will not be cooking or serving from the kitchen. Would like to start as soon as she has the correct permits. She is not sure how much time she will need in the kitchen. She will not need the fridge or freezer in the kitchen. Councilmember Pelletier said that she will be responsible for any equipment that she uses.

## **Councilmember Woolley-Excused**

### Streets Report (Cliff)

Will be looking for two tires for the yellow truck. Jeremy may not be coming back to help with plowing this winter. Vandeburgs may have an experienced employee that the Town could use for plowing snow. Mayor would like to receive a bid from Vandeburgs for plowing the parking lots.

### Sewer

Nothing to report.

## **Councilmember Passey**

### Fire Department Report

Fire alarm went off in the community center on election day (microwave fire in the kitchen). Need to investigate the system and why Cliff and dispatch were not notified.

Cliff will wait until next spring to flow test hydrants. Cliff will find out what is needed to do the flow tests on the hydrants. With research done by the mayor he found out that we can raise the Town's ISO rating if we have a flow test every year. Will need to have 3-5 years of testing data before it will affect the rating. Mid-Valley fire district marked out the proposed building on the property that they may build the new fire station on. Will come to approximately 4 acres that they feel they need.

### Water

Cliff notified Dollar General to run their water during the winter because he is worried that the water line is not deep enough. Cliff will take another notice signed by a manager from the Dollar General confirming that they understand they need to run their water during the winter so the line will not freeze.

### Events

Hogwarts Event was successful. Have heard a lot of positive comments regarding the event. The library counted 600-700 who attended.

December 2<sup>nd</sup> Santa will be coming to the Town giving an opportunity for kids to have a picture with Santa and Mrs. Claus.

Put notices on homes that are pushing snow onto other lots.

## **Mayor Simpson**

Reviewed pictures of roadways and sidewalks proposed for Hemmert Ranch Addition Subdivision.

Councilmember Pelletier advised putting a yield sign on northside of Franklin and Wright St. instead of stop sign. The mayor met with the Selcer Group, they plan to do phase one and two together. Working on DEQ permits. Plan to have a Developers Agreement by February for the council's review. As soon as the roads are complete the Town will take over the roads because the Town asked them to finish Franklin with phase one. Cliff advised that the Town would need more employees, another plow and skid steer to add the roads in Hemmert Subdivision. If they bond, then they would be able to sell lots before the infrastructure is complete. May be doing all the building themselves.

## **Motion to issue checks to be ratified at the next council meeting.**

**Motion-** Councilmember Passey

**Seconded-** Councilmember Woolley

**Motion Carried**

## **Motion to pay bills.**

**Motion-** Councilmember Passey

**Seconded-** Councilmember Pelletier

**Motion Carried**

**Motion to Adjourn.**

**Motion-** Councilmember Passey

**Seconded-** Councilmember Pelletier

**Motion Carried**

**Meeting Adjourned at 7:37 P.M.**

**General Bills:**

AT&T	Phone	\$176.44
Avail Valley Construction	Street Project	\$364,047.35
Blue Cross Blue Shield	Insurance	\$4,935.87
Broulim's	Events	\$40.93
Caselle	Caselle Maintenance and Support	\$782.00
Deyholos, Sheryl	Spin Instructor	\$160.00
Energy Lab Inc	Lab	\$967.00
Ferguson Waterworks	Water Supplies	\$5,125.23
Gem State Paper and Supply	Community Supplies	\$236.20
Hale, Maddie	Volleyball	\$300.00
Hofhiens, Shari	Spin Instructor	\$125.00
Hutchinson, Rebecca	Hogwarts Event	\$50.00
Izatt, Lee	Volleyball	\$300.00
Izatt, Lundy	Volleyball	\$225.00
Lacal Equipment, Inc.	Maintenance	\$5,830.84
Lincoln County Sheriff	Communications	\$743.00
Lincoln Self Reliance	Cleaning	\$630.00
Lower Valley Energy	Electricity	\$4,629.22
NAPA Auto Parts	Maintenance and Repairs	\$49.29
Riverside Greenhouse & Graphics	Volleyball	\$550.00
Salaries		\$13,753.29
Silver Star Communications	Telephone/Internet	\$429.32
Smith Psychological Services	Police	\$400.00
SoftPlay	Play Area	\$35,954.71
Star Valley Disposal	Waste Removal	\$210.00
Star Valley Quick Stop	Fuel	\$119.00
Sunrise Engineering	Engineering	\$8,070.75
SVI Media	Advertising	\$674.00
TGB Landscaping & Irrigation	Parks	\$2,276.00
Thayne True Value	Repairs	\$291.12
The Rolling Pin	Volleyball	\$240.00
Town of Afton	Water Testing	\$27.00
ULINE, Inc.	Shelves	\$1,548.05
USA Blue Book	Water	\$241.25
Valley Wide COOP	Propane	\$953.66
Wyoming Department of Workforce Services	2024 QTR 3	\$2,621.96
Wyoming Office of State Lands and Invest	Loan Payment	\$2,335.36
Wyoming Retirement System	Retirement	\$3,776.14