

# LANDER JOURNAL



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# Premature publication

## Zoning, public notices, and a 'distressing' pattern

By Sarah Elmquist Squires  
Managing Editor, and  
Marit Gookin  
Staff Writer

Maybe it just seemed like a done deal. On Tuesday morning, the Lander Journal pages were rolling off

the press, with a city legal notice declaring a controversial zoning ordinance had passed its third and final reading and would go into effect. Less than 24 hours later, the city of Lander sent out a re-

call; the ordinance had failed after all. What went wrong?

Attempting to answer that question led this newspaper to conduct an audit examining how and when city staff sent

and published legal notices. Turns out, every single ordinance that passed in 2024 – including the property tax levy – was submitted, published and printed before elected leaders actually took a final

vote.

The legal ramifications aren't yet known.

But here's the story.

**Split-vote surprise**  
Lander's zoning changes were hotly

debated at city council meetings, planning commission meetings, essentially everywhere they came up. Some felt that they were a step toward

PREMATURE PUB, PAGE 6



PHOTO BY CARL COTE

Buffalo Bill's Holiday Roundup stopped by the Lander Library Wednesday for festive tunes and tales.

# White Christmas?

By Austin Beck-Doss  
Staff Writer

In Fremont County, certain annual phenomena herald the arrival of the holiday season: The Wind River freezes into a winding trail of clumpy ice, freshly harvested Christmas trees adorn the beds of trucks, and the phones at the National Weather Service (NWS) ring off the hook. The people want to know: Will it be a white Christmas?

For now, according to the best available forecasting data, the answer is: "probably not."

Over the past few weeks, the vast majority of Wyoming has experienced a weather system known as "high pressure ridging," a pattern in the atmospheric pressure field that "blocks" migratory storms. In other words, there's an invisible shield lingering in the sky, keeping out cold air and precipitation and leaving Wind River Country unseasonably dry.

"For the next two weeks, we are likely to see more of the same," said NWS Meteorologist Jason Straub. "We're looking at above-average chances of above-average temperatures, and below-average precipitation for that time period."

If the prospect of sunshine and clear blue skies on Christmas dampens your holiday spirit, remember that forecasts are not a guarantee – especially two weeks out. As the unofficial state motto goes, if you don't like the weather, wait 15 minutes.

Not intending to be a grinch, Straub confidently conveyed that backyard sledding may not be in the cards during December 2024.

"It's nice when we get to be the bearers of good news, but our job is to provide the best information that we have access to," he said.

The local outpost of the NWS pulls its long-term weather outlooks from its parent facility, the Climate Prediction Center (CPC) in Washington, D.C. Based on a compilation of advanced models, instrument

readings, and historical data, these forecasts are considered the gold standard for predicting the weather weeks and months in advance.

According to the CPC, the western half of the United States has an above-average temperature probability through Christmas, and all of Wyoming sits in a strip of below-average precipitation outlook.

"When people think of a white Christmas, they have different images in mind," said Lance VandenBoogart, NWS warning coordination meteorologist. "For some it means thick snow on the ground, for others it simply means that snow is currently falling."

Dating back to 1954, the NWS has gathered data from a long-term climate site located near Lander. During that 70-year period, 27% of Christmases have come and gone with less than one inch of snow on the ground and zero active snowfall. "We know Riverton and other places in the county have different weather than Lander," noted VandenBoogart. "But that just happens to be where our monitoring site is located."

Per the data, around one in four Christmases in Lander passes without snow – uncommon, but not exceptionally rare.

"Many people's memories are filled with snowy holidays, and we definitely respect that local knowledge," said VandenBoogart. "But it's true that Christmases around Fremont County are not always 'white' – depending on how that's interpreted by each individual."

Ultimately, weather forecasts – especially in the long term – are simply a range of possibilities. Much like the stock market, predictions are fickle and constantly in flux as new information enters into the equation.

As for Christmas 2024, the NWS isn't betting on glistening treetops or softly falling flakes. Still, for the romantic hopefuls yearning for a postcard holiday, a slim chance is a chance nonetheless.



PHOTOS BY CARL COTE  
An arsonist attempted to burn down the Lander bar with a cup of gasoline and a lighter earlier in the week.

By Sarah Elmquist Squires  
Managing Editor

An alleged arsonist has been apprehended after police say he attempted to light the Lander Bar on fire earlier this week.

An unnamed 33-year-old Lander man was quickly apprehended; his identity will not become public until he has been arraigned in circuit court. According to the Lander Police Department (LPD), he faces a charge of criminal trespass and third-degree arson.

The LPD was alerted to the attempted arson on Monday morning. Video surveillance showed a man attempting to start the bar on fire at approximately 4:30 a.m. that morning. The LPD sent out a news release asking for help identifying the suspect and stating it would release images from the

ALLEGED ARSONIST, PAGE 3



# Zoning falters at final reading

By Marit Gookin  
Staff Writer

"I think we're going to live to regret this [vote] down the road here – but I think it's going to be down the road," observed council member John Larsen, who was one of two swing votes who ultimately ended up voting against the zoning ordinance changes. "Being that housing was the number-one item on our agenda this year ... We've cut the legs out from everything here."

Lander's proposed zoning ordinance changes were always bound to be controversial. Just four years ago, the council voted down very similar changes amidst tremendous public push-back against them.

Last year, the council directed its planning commission to take another look at zoning; zoning is relevant to all kinds of things, but the city had established housing as one of its top priorities, and looking for ways to start to address Lander's housing crisis emerged as one of the biggest arguments in favor of the changes. The idea is that making gradual adjustments to zoning elements that can allow for greater density – decreased setbacks, increased building heights – is one of the few options the city has available to it to encourage developers to build more housing in Lander. From there, as Larsen once pointed out, it's simple economics: Increasing supply relative to demand should, in theory, bring down prices.

In 2020, many of the objections to the changes had to do with lowering property values and concerns about having low-income Landerites move in next door. In 2024, the comments the council received opposed to the zoning changes struck a very different tenor. The changes as outlined would primarily affect people in less wealthy parts of Lander, several members of the public told the council, while leaving its better-off zones virtually untouched.

"Don't Jackson my Lander," Kathleen Averill wrote in a letter to the editor that appeared to quickly gain traction among many people in town. Her argument was that Jackson had passed similar changes to its own zoning ordinance, allowing taller and closer together buildings, which did not drive down housing costs but did, she felt, change the nature of the town irrevocably.

There's another natural comparison to Jackson, however. One of the things Jackson is known for is the inability of people who work there to actually live there, requiring the people who do the everyday work of Jackson Hole to make long commutes from other towns with lower property values. Some pointed out that Lander is also on the path toward becoming a city whose workforce can't afford to live in it. The Lander Chamber of Commerce testified that housing was one of its top concerns, as businesses are having trouble recruiting and retaining employees due to the high cost of houses or even just rent in Lander.

"I know that lack of housing has impacted our community negatively. We're unable to keep young professionals in our community, they can't afford housing

– but honestly, they can't afford rent, either," Council President Melinda Cox commented. The idea that the zoning changes may ultimately increase supply of both starter homes and available rental properties, creating a more competitive market, seemed to not feel very convincing to her. "The things that we can control, like zoning, don't impact attainable housing for our community and our citizens," she concluded.

Although the zoning ordinance changes had passed the first two readings, four out of six city council members voted against it at its third reading. Two council members continued to support the changes.

"I don't see this amendment to Title 4 to be the only solution – and far from it – for the housing supply issue that we face ... [but] this is a bite of an apple that we have serious housing issues in Lander that we must take seriously," council member Julia Stuble explained her continuing support for the ordinance. She'd been weighing the concerns the council had heard from residents who felt the changes would negatively impact them, "and I weigh that with the experience that I hear from current residents ... that can't find homes in Lander."

Missy White, who is the city's liaison to the planning commission and was a strong supporter of the zoning changes from the outset, noted that she appreciated the objections the council had heard but still thought the comparatively modest changes proposed would ultimately be beneficial for Lander. "It's challenging – and to me it speaks to the dichotomy ... 'Our kids can't afford to live here, but don't change Lander,'" she observed. "If this can move the needle a little bit I believe it's an important thing to do."

Cox and Larsen had both previously supported the ordinance – but on the third reading, their votes changed. Larsen sometimes explains his vote as he casts it; in this case, he made it clear that while he personally supported the zoning changes, public sentiment against the ordinance was too strong for him to ignore. "This is the toughest decision that I've made in a long, long time, and I'm voting 'no.' And it's going 100% against everything that I feel, and everything that I've researched, and the good that I think this will do – but talking with the people in Ward 1, they don't want this."

Larsen, Dan Hahn, Cox, and Josh Hahn all voted against the changes; White and Stuble voted in favor of them. Mayor Monte Richardson did not cast a vote.

"This is why we have three votes, spread out over a large amount of time," Stuble pointed out in an interview of the process of enacting or amending ordinances; it gives the public a chance to weigh in, and the council time to consider their comments. "I try not to walk into any meeting and take any vote for granted."

## LANDER JOURNAL

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## – Premature pub continued from page 1

solving Lander's housing woes; some felt that they were ill-considered and too similar to zoning changes that the council rejected in the recent past. Still, until the third reading the council voted along predictable lines, with the majority supporting the changes – or at least choosing to advance them to the next reading in order to allow for further refinements and discussion.

Legally speaking, two things must happen before an ordinance – essentially, a municipal law – may go into effect. First, elected officials must vote three times. Then, the ordinance must appear in the official newspaper as a legal notice recognizing that city council action.

But in this case, the zoning ordinance amendments failed on the council's third vote Tuesday night. City staff, however, apparently anticipated that it would be approved, and prematurely submitted the required legal notice to this newspaper eight days before the council even met to take a vote.

"In anticipation of this being the third reading and that I was going on vacation," explained the city's clerk after the council rejected the zoning changes, she'd sent out the public notice before the vote. "I was being overly efficient," she added.

But this wasn't the first time this happened. Two other ordinances with their third reading on Tuesday night were also prematurely submitted by city staff before the council had taken a final vote. Further research revealed that every ordinance that passed in 2024, and the one that didn't – a total of 10 ordinances – were submitted and printed before elected leaders cast their votes.

"I have a hard time thinking in my mind that the city is doing anything nefarious, but this does have a bad tint to it," city council member John Larsen remarked in an interview.

There are decided benefits to print newspapers as third-party repositories of information that can't be altered once published, which is among the reasons Wyoming state statute requires municipalities to publish legal notices such as ordinances in a designated paper of record. Many Wyoming newspapers are published once a week, so the statutes governing the different kinds of notices allow municipalities plenty of

time – nine days from the day the newspaper receives it – to get their legal notices published after being voted on.

It is currently unclear what, if any, consequences could result from ordinances being printed before they were voted on. One possibility that has arisen is that those ordinances never actually went into effect at all.

"It's distressing to hear of this pattern of submitting the ordinance before the vote happens," council member Julia Stuble said. "I certainly hope that this doesn't affect the validity of these ordinances."

### Your tax dollars at work

Some of the 10 ordinances that were sent out before the final vote are of relatively little consequence and unlikely to be controversial. If it was simply a question of vacated alleys or even park rules, this would still be a disturbing trend but not one with potentially significant ramifications.

But one of the ordinances that was sent out early was the mill levy – and the question of whether the process leading up to the collection of property taxes was properly followed is certainly an important one.

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"That's a problem," commented Fremont County Assessor Tara Berg of the premature legal publication of the city's property tax levy. The city began collecting those funds at the start of the fiscal year in July. "If [the mill levy] wasn't approved by the legally vetted method, then I need to review that ordinance with the county attorney."

Berg doesn't currently know whether there's an issue with the city's tax collection this fiscal year; she has to consult the county attorney first. But if there is a problem, it could spell serious trouble for the city of Lander.

### What went wrong?

City staff and Mayor Monte Richardson characterized the

pre-mature publication problem as one rooted in "efficiency." An email from city hall summed up the issue as part of a workflow process aimed at getting news of council action out to the public in a timely fashion. "We understand we could look at our workflow model, but then the public may not get the information at the speed in which they are accustomed to," the email explained.

"I don't think there was subterfuge ... There has to be some reasoning behind this," Larsen remarked. "I think that as a general rule, [staff] probably have a pretty good idea of what's going to happen. This time might've surprised them."

"I just think it was a mistake ... [staff] trying to be efficient," Mayor Richardson explained. He added that he typically signs ordinances and other measures approved by the city council the Wednesday after the vote.

The practice of public notices about ordinances being sent out before the final vote occurred in every ordinance that made it to a third reading in 2024 – but didn't happen at all in 2023. It is unclear what may have changed.

"Nothing at city hall surprises me," council member Dan Hahn commented. "If you look at the history, it's plain and simple: They [staff] want to run the show ... There is no accountability."

Hahn's comments echo some that appear in public comment and on the city's Facebook posts from time to time: That city staff hold too much power, or want to be in control. Stuble and Larsen pushed back on this idea.

"I don't feel like the staff is taking any unwarranted [liberties]," Larsen commented.

"I don't see other patterns of staff overstepping in that way," Stuble noted.

The zoning changes themselves are relevant to this question, as well, as some feel that similar zoning proposals reemerging just four years after having been voted down was likely a result of staff wanting these changes to be pushed through. Stuble objected to this characterization. "I think it's totally inaccurate to say that this was a staff-driven proposal. [Housing] was a clear council priority."

Unlike Riverton, which has a city administrator, Land-

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Each writer is limited to no more than one letter during a seven-day period. Letters should be no more than 500 words and be legible. They may be edited for space, clarity or good taste. Letters may be returned to sender if additional citation or clarification is needed. They should bear the writer's name, city and daytime telephone number (not for publication) and be the writer's original work. Email: [fremontnews@wyotoday.com](mailto:fremontnews@wyotoday.com)

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### PREMATURE PUB, PAGE 7

# Pinedale fishing hole turns red - No one knows why

By Mike Koshmrl  
WyoFile.com

Shortly after the ice came off in 2023, Pete Cavalli went to scout the conditions at Little Soda Lake in anticipation of an annual rite of spring: stocking the little water body outside of Pinedale with rainbow trout.

Even though the water was still cold, it was noticeably greener than usual. There was also a lot of manure around the shoreline, he said.

"The smell was overwhelming," said Cavalli, a longtime fisheries biologist for the Wyoming Game and Fish Department's Pinedale Region. "That definitely was a huge factor in recommending not stocking that year."

In the year that followed, conditions at the little lake perched above mighty Fremont Lake and visible from Skyline Drive took an abrupt turn for the worse. No trout were stocked into the outletless, roughly 50-acre lake that spring, nor this year, and it ceased being a fishery. By this fall, the Wyoming Department of Environmental Quality sent word of a harmful cyanobacteria bloom, a notification that it was potentially not safe to swim or let animals drink the water. Notably, the bloom

did not live up to the colloquial name: blue-green algae. Instead, Little Soda Lake turned a striking shade of red.

A hunter reported the mysterious water color, reminiscent of a mine tailings pond, in early November. Soon, Game and Fish and the Bridger-Teton National Forest were coordinating with each other and trying to determine what was going on.

"We don't have enough information yet," said Bridger-Teton National Forest staffer Jill McMurray, who handles water quality sampling. "Eucapsis, the main cyanobacteria species that the state identified in the sample, can turn red."

More typically, however, Eucapsis is green or bluish-green, said Eric Hargett, Wyoming DEQ's water quality standards program supervisor.

"In Wyoming, we typically do not see cyanobacteria blooms display in reddish colors," he said. "It's possible that the reddish color may be related to some other bacteria."

Another possible explanation, according to McMurray, is that the organic matter that bloomed died when the lake "turned over" and the colder, deeper water mixed with the surface wa-

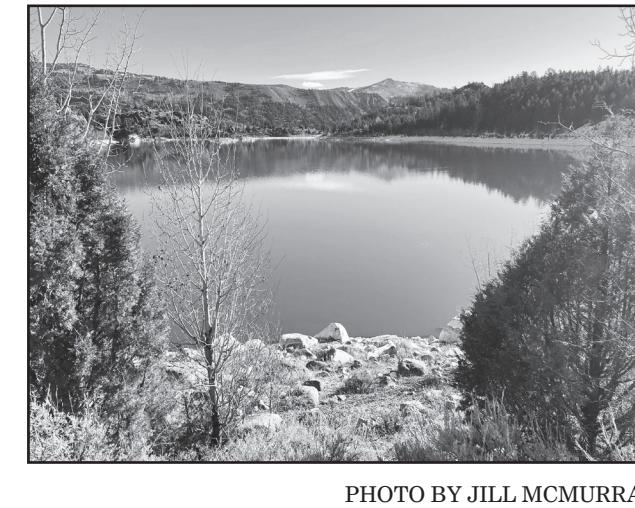


PHOTO BY JILL MCMURRAY /BRIDGER-TETON NATIONAL FOREST

**Little Soda Lake, pictured, turned an unnerving shade of red in early November 2024. Authorities are testing samples, but in the meantime only have theories about what's going on.**

ter. The phenomenon, combined with Little Soda's unique chemistry, could have caused the color change.

"Kind of like how leaves turn red in the fall," McMurray said.

Some members of the Pinedale community have posited that cattle crowding the small water hole over the summer played a role in the changes. The domestic stock's presence is spelled out in the muddy banks, which were covered with cattle tracks and manure throughout the summer months of 2024.

McMurray believes it's too early to make that judgement. Other backcountry lakes in the Winds have struggled with harmful cyanobacteria blooms without cattle grazing, she said, including three near Big Sandy

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but he stopped years ago after finding that the lake was anoxic even at the surface – an oxygenless, lethal condition for fish.

The viability of the fisheries in Little Soda Lake and its larger neighbor, Soda Lake, have clearly been affected by climatic changes in the Green River Basin.

"All the evidence points to the fact that we've been in the long-term drought," Cavalli said. "We're not getting the moisture that we used to get, and [Soda Lake] is going down every year."

Soda Lake, once renowned for its trout fishing, has dropped by about 15 feet from the high point decades ago, Cavalli said. Little Soda's water level hasn't fallen as dramatically, but it's still declined by 6 to 8 feet, he said.

Even Soda Lake, about six times larger than Little Soda, is at risk of ceasing to be a functional fishery. At its peak in 1997, an estimated 47,000 trout called Soda Lake home. Estimates most years are now under 1,000, Cavalli said, and there are no easy solutions to make it better.

At the fishery already lost – Little Soda – Cavalli and his state and federal counterparts will be watching to see what happens.

"I thought when the temperatures dropped, the cyanobacteria would die back and it would clear up," the fisheries biologist said. "But obviously, it's still happening – whatever it is."

Photos Game and Fish biologists took from aerial flights in early December showed the reddish colored water is persisting even under the ice.

The DEQ plans to conduct additional monitoring at Little Soda Lake, Hargett said.

McMurray at the Bridger-Teton intends to help. Come next summer, she aims to test for nitrogen, phosphorus, nitrate, ammonium and phosphate – and also help get a read on cyanotoxins that might exist.

"We need to collect more information," McMurray said, "and then figure out all the pieces."

"It's not just one thing that's causing this problem," she added. "The biggest thing is probably climate change and the change in the water table. And then there are other variables probably exacerbating this issue."

**WyoFile is an independent nonprofit news organization focused on Wyoming people, places and policy.**

## Premature pub continued from page 6

er city government works under the strong mayor approach to governance.

Hahn noted that he feels that under ideal circumstances, Lander's strong mayor form of government can lend itself to better accountability. Stuble also pointed to this as something to consider in regards to questions around accountability and what went wrong, but took a different angle than Hahn.

Under a strong mayor system, she said, when you elect a mayor you're electing a chief of operations – but staff and administrators are still ultimately responsible for the day-to-day running of the city.

"It begs the question of where does the buck stop," she remarked.

"I'll guarantee you that it won't happen again – I didn't know," Richardson said. "We messed up, and we'll fix it."

### City hall mum

Despite repeated requests to speak with Assistant Mayor Rajean Strube Fossen or other appropriate senior city staff, the only city staff member who communicated with this newspaper was someone who would have played no or little role in the early publication of the notices – a communications staff member. After conveying questions to her – How did this happen 10 times? What does this mean for the legality of these ordinances, especially the mill levy? – the request to speak with

Strube Fossen was reiterated.

Strube Fossen did not respond. Instead, the city's communications department sent an email. The email

**“**

At this time, there is no further comment from city hall on the topic at hand.

City of Lander



included a Harvard study on housing challenges, detailed the reasoning behind the planning commission and council's focus on zoning, and outlined the city's "workflow and agenda process" as reasoning that city

staff should draw conclusions about the will of the council before votes are cast.

And, the email attempted to assert control over how this newspaper approaches city leaders – elected and otherwise. Calling an interview with the mayor a "point of concern," the communication from city hall suggested that journalists must in the future arrange such interviews through the city's spokesperson so that Lander can "maintain clarity and consistency throughout all of our

constituents ... At this time, there is no further comment from city hall on the topic at hand."

"The First Amendment guarantees us the right to approach elected leaders on behalf of our readers and the community as a whole," remarked Publisher Kevin Shields. "It is our duty, due to the protections in the Constitution, to shine a spotlight on government. While we are always Fremont County's biggest cheerleader, there are times when we have to shine that

spotlight on a need for improvement."

Dan Hahn, who has been on the council for three decades, said he feels city operations have changed over the years. While he wasn't surprised about what happened this year with legal notices, he said was still troubled by it. "They're just doing what they want to do," he commented. "We have a very strong city staff that wants to push the narrative ... That's a huge situation."

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