



Town of Alpine
SPECIAL COUNCIL MEETING MINUTES

DATE: December 4, 2019
TIME: 5:10 p.m.

PLACE: Town Council Chambers
TYPE: Special Meeting

- 1. CALL TO ORDER:** Mayor Pro-tem Jeremiah Larsen called the meeting to order at 5:13 p.m. Mayor Pro-tem Larsen led the attendees in the Pledge of Allegiance.
- 2. ROLL CALL:** Sharon Backus, Clerk/Treasurer, conducted the roll call. Council Present: Adam Farnsworth (via telephone), Justin Fritz, Robert LaPier (via telephone) and Jeremiah Larsen. Mayor W. Kennis Lutz was absent and excused. A quorum of the Council was established.

3. ADOPT AGENDA:

Councilman Fritz moved to adopt the agenda. Councilman LaPier seconded the motion. Vote: 4 Yes, 0 No, 0 Abstain, 1 Absent, (Lutz). Motion Carried.

4. ACTION ITEMS & BUSINESS:

- **Motion to adopt on First Reading 271 Ordinance No. 2019-08, "An Ordinance Annexing Certain Land to the Town of Alpine and Approving the Timber View Estates and Alpine Lakes Subdivision Annexation to the Town of Alpine".**

Councilman Fritz moved to adopt on first reading 271 Ordinance No. 2019-08 "An Ordinance Annexing Certain Land to the Town of Alpine and Approving the Timber View Estates and Alpine Lakes Subdivision Annexation to the Town of Alpine". Councilman LaPier seconded the motion. Discussion ensued.

Mr. Dale Cottam, Legal Counsel for the petitioners, requested that the ordinance be amended to add a section stating that the section of Jordan Canyon Road to be annexed will be dedicated to the Town of Alpine and ownership and maintenance of said road will commence upon adoption of the ordinance on third reading. Mr. James Sanderson stated that the amendment would be on second reading. The council will vote on the ordinance as distributed for first reading.

Mr. Rick Bickner residing at 37 Angie Lane addressed the council and stated that in the initial discussions with the county about Timber View PUD the town put some conditions on their approval of the PUD. Mr. Bickner then referenced a letter sent by the Town of Alpine to the Lincoln County Board of Commissioners. The following letter summarized the conditional approval for the Timber View Estates.

"Pursuant to requirements of Wyoming Statute §34-12-103, the Governing Body of the Town of Alpine Wyoming hereby provides its notice of conditional approval of the Timber View Estates PUD.

The Town of Alpine, Wyoming, during its regularly scheduled council meeting, held September 18, 2018 heard the presentation of Marlowe Scherbel, of Surveyor Scherbel, LTD, on behalf of the owner/developer of Timber View Estates PUD. The Governing Body also heard the comments of citizens of the Town of Alpine, Wyoming and other

individuals residing close to Alpine.

The conditions required are:

1. *Modify the plan presented to the Governing Body of Alpine, Wyoming to change all residences shown to single family dwellings;*
2. *Decrease total units from twenty (20) to eighteen (18) units thereby increasing open space in the proposed development;*
3. *Require trees to be planted along the outside of the perimeter fencing and along Jordan Canyon Drive for the purpose of providing a visual buffer;*
4. *Require each of the single-family dwellings to have storage and usable deck space.*

If the Board of Commissioners chooses not to require the developer to follow the above-stated conditions, as a minimum, notice is hereby given that the Governing Body of the Town of Alpine, Wyoming withdraws its approval of the proposed development."

Mr. Bickner stated that these requirements were not met by Lincoln County. Mr. Bickner alleged that not all units are single-family dwellings as shown in the picture distributed to the council. There are units housing six unrelated individuals; there are recreational vehicles on the premises where none were allowed; the trees were not planted to form a barrier as agreed, the only trees are along Jordan Canyon Road. Mr. Bickner asked that the development be brought into compliance with the town's demands before annexation is discussed.

Mr. Sanderson stated that the town may need to investigate these claims but some of Mr. Bickner's concerns are political in nature, not legal. Notice was given to the public as required so comments could be heard. This is the first reading of the ordinance but there will be two more readings in which to make changes.

Mr. Dale Cottam stated that he would be happy to meet with Mr. Bickner should he desire to do so. The master plan (PUD) had been approved by the county for Timber View Estates. Mr. John Woodward could provide the relevant documents from Lincoln County regarding the staff report, final determination and plans approved for the Timber View Estates development. If the PUD and final approval from the county requires more trees, more will be planted. Often, PUDs are approved when infrastructure and landscaping go in later. Mr. Cottam stated that he was uncertain if any more trees would fit in the development now. With respect to the allegations about the unrelated occupants, Mr. Cottam has been assured twice that the occupants are in fact related.

Mr. Tim Hartnett of the Town of Alpine Planning and Zoning Commission stated that his concern was that these structures in Timber View Estates were on jacks rather than permanent foundations per town requirements and did not want to set a precedent by allowing these temporary structures that would bind the town to allow similar structures in the future. Mr. Sanderson stated that the annexation would accept the structures "as is" so they are "grandfathered" into the town.

Mr. Marlowe Scherbel of Surveyor Scherbel, LTD, responded to questions about Jordan Canyon Road. The annexation map depicts the entire width of Jordan Canyon Road for thirty feet as being annexed by the town and made a public road. The north thirty feet of said road was already dedicated to the public. The south thirty feet is owned in part by Mr. Wiemann's development and the remainder of the thirty feet by the Edwards Trust or one of its entities. The approval by Mr. Wiemann and the Edwards trust plus the portion of the road already dedicated to the public would constitute approval of the majority of the owners bordering Jordan Canyon Road required to transfer ownership of the road to the Town of Alpine.

Mr. Sanderson advised the council to consider all concerns presented at this meeting, propose language to amend the annexation ordinance on second reading and a final clean-up on third reading.

Vote: 4 Yes, 0 No, 0 Abstain, 1 Absent, (Lutz). Motion Carried.

The aforementioned Ordinance may be viewed in the Town Office or on the website at alpinewy.org

- **Motion to adopt on Second Reading 270 Ordinance No. 2019-07, "An Ordinance Annexing Certain Land to the Town of Alpine and Approving the Boardwalk II Lot 19 (Alpine Park Apartments) Annexation to the Town of Alpine".**

Councilman Fritz moved to adopt on second reading 270 Ordinance No. 2019-07, "An Ordinance Annexing Certain Land to the Town of Alpine and Approving the Boardwalk II Lot 19 (Alpine Park Apartments) Annexation to the Town of Alpine" as amended. Councilman Farnsworth seconded the motion. Sharon Backus, Clerk/Treasurer read the amendment to 270 Ordinance No. 2018-07 into the record. The amendment is to Section 2 to add another sentence which reads, **"Upon adoption of this Ordinance, said real property shall be zoned as Mixed Residential Commercial (MRC) and such designation shall be shown upon the official zoning map of the Town of Alpine, Wyoming".**

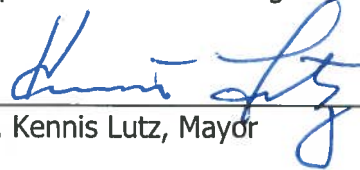
Vote: 4 Yes, 0 No, 0 Abstain, 1 Absent, (Lutz). Motion Carried.

The aforementioned Ordinance may be viewed in the Town Office or on the website at alpinewy.org


5. Adjournment:

Councilman Fritz moved to adjourn the meeting. Councilman LaPier seconded the motion. There was no discussion. **Vote: 4 Yes, 0 No, 0 Abstain, 1 Absent, (Lutz). Motion Carried.**

Mayor Pro-tem Larsen adjourned the special council meeting at 5:42 pm.



W. Kennis Lutz, Mayor



Date

Minutes taken and transcribed by:



Sharon L. Backus, Town Clerk/Treasurer



Date

Attest:





Sharon Backus, Town Clerk/Treasurer



Date

**** Minutes are a brief summary of a recording of the meeting ****