

TOWN OF ALPINE
COUNCIL MEETING MINUTES

FEBRUARY 05, 2008

*Clerk's Note: Minutes are a summary of notes and tape recording.

Mayor DeCora called the meeting to order at 7:00 p.m. and led the pledge of allegiance.

A quorum was established by clerk through a roll call. Council members present: Donn Wooden, Don Jorgensen, Beau Taylor, Shirley Brown, Mayor DeCora. Other staff in attendance Whitney Heller, Attorney Stefan Fodor.

➤ **ACTION ITEMS**

- ❖ **Approval of Minutes:** Don Jorgensen motions to approve December 6th 2007 and January 15th 2008 minutes. Beau Taylor seconded. **VOTE: 4 yes; 0 no; 1 abstain; (Shirley Brown) 0 absent. Motion carried**
- ❖ **Rob Wagner: Updating on Civic Center,** central failure in center of building, center trusses have pulled away, today finished up putting in retaining walls, Teton Truss repaired front part and rear part which can be occupied at this point and to let people in to remove property. Walls are pushed out about 2 inches from building. Victoria DeCora: we will wait for insurance company to proceed.
- ❖ **Bob Norton Update on WWTP:** WWTP Building permits and pay request from contractor, Victoria DeCora, ask for a motion to approve building permit. Don Jorgensen motions. Beau Taylor seconded. **VOTE: 5 yes; 0 no; 0 absent; 0 abstain. Motion carried.** Bob Norton: The WWTP is moving along well, there is a heater there and conditions are well .Bob Norton: application for payment of contractor which council needs to approve so can be reimbursed from the state \$60,300.00. Don Jorgensen motions to pay application for payment to Moltz contractors. Donn Wooden seconded. **VOTE: 5 yes; 0 no; 0 absent; 0 abstain. Motion carried.** Bob Norton: there is a 10% retaining fee held by Moltz and they are using first national bank in Cody. Bob states, there was a positive recommendation on SRF loan and it will be heard this Thursday in Cheyenne. Bob Norton states he does plan on being weather permitting. Stefan Fodor, prior to any payment being processed, a designated official has furnished the council with the estimate along with a certificate that the amount of work estimated to have been done conforms in all material respects with the requirements of the contract.
- ❖ **Lakeview Estates Replat:** Lots 233 243 244 245 & 270. Mayor DeCora asks for a motion to approve. Donn Wooden motions, with condition of 7 ½ foot utility easements. Shirley Brown seconded. **VOTE: 5 yes; 0 no; 0 abstain; 0 absent. Motion carried.** Resolution and Mylar will be at next council to be read and signed.

❖ **American Park snow Mobile Adventures:** Steve Patvin updating, since the cease and desist we brought a crew and moved to Charlie Sands' lot. We would like to be able to use the house to suit the people up and leave from Charlie Sands lot. If our property were to become mixed use, would we be able to use that property. Don Jorgensen: zoning area is mixed residential and commercial. Dave Gustafson from P&Z: there are the two MRC zones and MR1 would not allow that type of activity and even MRC2 may not allow the type of activity. We are trying to promote commercial and multi family developments. Don Jorgensen: has mixed feeling one side says of road is commercial and the other residential in a way I have no complaint but the road is narrow for this type of traffic. I see no problem suiting up in house; moving to Charlie's area alleviated some of the problem. Beau Taylor: feels the same, this is more a residential zone on a personal level move business down here. Shirley Brown: agrees with Beau and Don. Steve Patvin: so you feel we have moved toward a solution of going to Charlie's? Victoria DeCora: we have to enforce our own rules that property is zoned R2 and until the rezoning takes place this situation stays the same. Attorney Stefan Fodor: as the zoning ordinance stands you cannot operate a business in a residential. You have reached a good compromise, yet you cannot operate a business in R2 without a variance or conditional use. P&Z will have to make that decision, and that is a procedural aspect. Dave Gustafson: they have made an effort and just want to suit up, this is a small town and we would like to promote commercial activity. Beau Taylor: Pending the applicant make a motion to P&Z for a variance or conditional use, the applicant is allowed to continue dressing people in the R1 zone so long as they maintain snowmobile operations in the commercial zone Beau Taylor motions. Don Jorgensen seconded. **VOTE: 4 yes; 0 no; 1 abstain; (Donn Wooden) 0 absent. Motion carried**

❖ **Targhee Landing Strip:** Attorney Stefan Fodor: I have sent the council an email in regard to CC&R's specifically section 19 and maintenance of landscaping should not be removed from CC&R unless and upon approval from the Lincoln County Commissioners. Condition of Plat I provided the applicant with comment Condition A change the comments to reflect that all units obtaining a building permit after the substantial completion of the WWTP shall connect to the WWTP. I would like to define more. Building permit needs to be done within a year. Condition C we are asking 7.5 years instead of 10. This suggested language came as per last meeting. As with those changes I have no objection to A, B, C. Condition 2c in the second page, whenever property becomes annexed it is towns responsibility. On 2d condition reads Targhee Landing should maintain roads on account of daily trips. Average daily trip per road. Bob Ablondi: we are in agreement with Stefan Fodor's modifications, and when units hook up to treatment plant. Daily user trips, is acceptable also. The only one we had a question was recapture getting revenue back Targhee building a new road, why McSorely could not get recapture for building road after annexation. Attorney Fodor: you are asking about work completed prior to annexation? In regard to that and giving those comments I am ok with having that text deleted from there and allowing he applicant to recapture expenses incurred prior to annexation for a period of 10 years following construction. The road will be paved at 56 units. So if this is approved condition on the plat. Mayor DeCora: Remind of P&Z recommendation to deny this application. (reads from P&Z recommendation Jan 22 2008). And ask for public comment: Lara Gerstch: referring to map on Jordon canyon Road, Jordon Canyon is big concern. I do appreciate concession for WWTP and hooking into it, but still has concerns about Jordon Canyon

Road. Marlow Scherbel: the south side has a 30 foot public access and east side provides the only legal access to Alpine Resort, the applicants are adding an additional 30 feet. (Maps are being shown). Rhineharts provided for the additional easements. PUD is additional 30 feet and has to be paved to cul-de-sac. Revis MacElheny: we were talking last week about toy lot, Ridge estates and there HOA there is a berm that they cannot get trees to grow. I would not want to enter any special assessments for the paving of the road. My taxes do not want to pay for them to have toy lots and pave that road. Mayor DeCora: what is before us is phase 1 which is 1 mile of town. Marlow Scherbel: the only new development in this area would be lots 3 4 and 5 and only new developments would have to contribute to paving and upkeep costs associated with Jordan Canyon Road. Stefan Fodor: would like to make copies to public of email. Donn Wooden: references L Gerstch comments of conflict of interest. DW does not believe he has any conflict of interest. Has always disclosed conflicts in the past and will continue to do so. States he has no conflict of interest and holds interest of community over all other interest. RE density – where is the right location for dense development? Feels there is discrimination going on – Alpine Meadows did not get this kind of scrutiny, nor did Dorsey project get this kind of resistance. Does not agree that density is too high nor will it fill in that fast. Need the tax base to pay for sewer system and believes project is good. RE negative impacts on Jordan Canyon road have been addressed. Snow removal problem is widespread. RE toy storage thought it should be enclosed inside development and that park be included was a valid request to include it in development and the resulting density is a good thing. Believes the toy storage where it stands is actually a good thing. Re requirements to connect to system this has been addressed, they need to do so once they get the permits. Tom Coletti: taxes exception to the statement about discrimination, sees council finally doing due diligence and giving county citizen's opportunity to speak. Mayor DeCora: ask for anything else from the public: Lara Gertsch: we are ringing the bell and would like North Alpine to do things different. Mayor DeCora: I agree, the reason I am sitting here is because I didn't like what was going with Alpine Meadows it was too much too fast and Alpine is in this situation because we lost control. Are we going to vote on this tonight? Stefan Fodor: you are voting for master plant approval and PUD approval at this juncture you as council have joint power of approval to approve proposal and with condition or deny altogether. And any motion should state clearly what conditions if any you impose. Mayor DeCora: these documents provided by the Town attorney need to be included in any motion. One restriction I would like to see the 10 years turn into 0 and allow no septic systems. Shirley Brown: the density is too dense and there are too many units for the acreage. This is not discrimination it is density to our surroundings. Don Jorgensen: feels they are being discriminated against we are imposing storages we are imposing playground. The density is the same and the people have worked hard to make the people happy, Mike Halpin is building per lot and these developments are town houses that will all be built out before the developer leaves. Some houses here in Alpine are not meeting code, we are looking at 8 units. The developer is here to make money all will be hooked in our system, Mayor DeCora: we are not allowing our residents 10 years. Don Jorgensen: I am basing my decision on the whole public positive and negative. Lara Gertsch: I have concerns what is going on with this council and education on how you work your not leaning on your P&Z recommendations. Tom Coletti: We need to do our jobs correctly. Speaker: this project is where it should have been ½ year ago. Donn Wooden motions to approve application and final plan of

Targhee Landing plan subject to proposed condition contained in Attorney Stefan Fodor February 5th 2008 letter with suggested language and be so noted on final plat. Obligations to community and require everyone there to connect to WWTP life of exciting 7 ½ years, care and preparation to Jordan Canyon rd, and covenants and home owners association. Don Jorgensen seconds. **VOTE: 3 yes; 2 no; (Shirley Brown, Victoria DeCora) 0 abstain; 0 absent. Motion Carried.**

❖ **Meeting recessed at 8:25 pm**

-----Meeting Reconvened at 8:38 p.m. -----

❖ **Joe Sender:** Council would like to donate monies toward gift certificate and plaque for the dedicated service of Joe Sender. Council also approves advertisement in SVI for a new DEQ Inspector. Shirley Brown motions. Beau Taylor seconded. **VOTE: 5 yes; 0 no; 0 abstain; 0 absent. Motion carried.**

❖ **Vet Clinic and Little Acorns Daycare:** Grease trap interceptors are not recommended for these 2 businesses as per Lee Schwab recommendation letter. Donn Wooden motions to make Alpine Vet Clinic and Daycare exempt for interceptors. Don Jorgensen seconded. **VOTE: 5 yes; 0 no; 0 abstain; 0 absent. Motion carried.**

➤ **3rd Reading: 164-Ordinance NO. 2007-20 Annexation of HWY US 89.** Mayor DeCora read title. Shirley Brown motions to approve. Don Jorgensen seconded and to authorize Mayor to sign Mylar. **VOTE: 5 yes; 0 no; 0 abstain; 0 absent. Motion carried.**

➤ **2nd Reading: 165-Ordinance NO. 2007-21 Amendment to budget 2007/2008.** Mayor DeCora read title. Donn Wooden motions to accept. Don Jorgensen seconded. **VOTE: 5 yes; 0 no; 0 abstain; 0 absent. Motion carried.**

➤ **2nd Reading: 167-Ordinance NO. 2008-23 Snow Removal,** Mayor DeCora read title. Don Jorgensen motions to accept. Beau Taylor seconded. **VOTE: 5 yes; 0 no; 0 abstain; 0 absent. Motion carried.** Attorney Fodor: would like ad in SVI of Ordinance and no parking in the street from 1:00a.m. To 6:00 a.m.

➤ **2nd Reading: 168-Ordinance NO. 2008-24 Adoption Land Use and Development Code.** Mayor DeCora read title.*Last meeting is incorporating changes to final reading to Land use Development code. Public speaker: pending a sale and the changes what is I am to tell my buyers with zoning? Referring to Tom Barrs old building. Dodie Jordan: I have a lot as well that is zoned B1 and zoning was changed and town blocked rezone for the whole area and the section was B1. The MRC1 is very restrictive as to the limitations this is going to put on my property. MRC2 makes so much sense for the area. Most of the business district is across the river. (There was much discussion off the record and participation regarding identifying certain parcels on the map which the speakers wanted identified as being changed to MRC2 instead of MRC1 On the Record: Public Mary Stuart and Dolores Urban have requested the following lots to be changed to MRC 2. Lots 1, 2 and 4 in STR and lot 737 in LEC. Lots 640, 647, 648 and lot 642 in subdivision LEC. Lots 616a and 616b, 650 and 703 LEC. Mary Stuart: lots 55, 56, 57 and 58 in subdivision PP

all to MRC2. Beau Taylor: has request to change lots 401, 402, 403, 404, 505, 506, 507, 508, 509, 510 to be changed MRC2. Don Jorgensen: request cornering of Morning Star and star lane lot 125 and 10 PH to MRC2. Change the definition of MRC2. Clerk will pass these recommendations to P&Z and exclude 1 acre minimum lots. Donn Wooden: request also tracks 106 and 104 HWY 89 change to MRC2 south side of Morning Star Dr. Beau Taylor: in reference to land use code, setbacks commercial to commercial and zero lot line. By contrast they need minimum setback for side yard when abutting a non commercial property. Beau Taylor average height of signs should be 15 feet from the crest of road. Beau Taylor motions to accept 2nd reading of 168-Ordinance NO. 2008-24 Adoption Land Use and Development Code subject to changes we have seen and heard here tonight and P&Z hearing. Don Jorgensen seconded. **VOTE: 5 yes; 0 no; 0 abstain; 0 absent. Motion carried.**

- **1st reading 169-Ordinance NO. 2008-25: Adoption Building Codes.** Mayor DeCora reads title. Attorney Stefan Fodor: Rob Wagner asked to update codes with certain exceptions which are in front of you now. And also amendment to Master Sewer Ordinance. There are consistencies that repeals Ordinance 145, edits are primary in section 3 and section 6. Section 3 is also Grease trap policies you have voted on different fines. There is not much language changed but referenced for review. Donn Wooden basically we are tying into the international codes and moving from 2003 codes to 2006 codes. Donn Wooden motions to accept 1st reading. Don Jorgensen seconded. **VOTE: 5 yes; 0 no; 0 abstain; 0 absent. Motion carried.**
- **1st Reading 170-Ordinance No. 2008-26 Amendment to Master Sewer.** Mayor DeCora read title. Don Jorgensen motions to approve. Shirley Brown seconded. **VOTE: 5 yes; 0 no; 0 abstain; 0 absent. Motion carried.**
- **1st Reading: 171-Ordinance NO. 2008-27 International Mechanical Code.** Mayor DeCora read title. Shirley Brown motions to accept. Donn Wooden seconded. **VOTE: 5 yes; 0 no; 0 abstain; 0 absent. Motion carried**
- **1st Reading: 172-Ordinance NO. 2008-28 International Plumbing Code.** Mayor DeCora read title. Beau Taylor motions to accept. Don Jorgensen seconded. **VOTE: 5 yes; 0 no; 0 abstain; 0 absent. Motion carried.**
- **1st Reading: 173-Ordinance NO. 2008-29 International Residential Code.** Mayor DeCora read title. Donn Wooden motions to accept. Shirley Brown seconded. **VOTE: 5 yes; 0 no; 0 abstain; 0 absent. Motion carried.**
- **1st Reading: 174-Ordinance NO. 2008-30 International Fuel Gas and Gas Code.** Mayor DeCora read title. Don Jorgensen motions to accept. Beau Taylor seconded. **VOTE: 5 yes; 0 no; 0 abstain; 0 absent. Motion carried.**
- **1st Reading: 175-Ordinance NO. 2008-31 International Fire Code.** Mayor DeCora read title. Shirley Brown motions to accept. Don Jorgensen seconded. **VOTE: 5 yes; 0 no; 0 abstain; 0 absent. Motion carried.**

➤ **DEPARTMENT UPDATES**

- **James Philips:** Would like to replace the red dodge truck as classified as unsafe, we have fixed it and put in a lot of money. It currently has 162,000 miles; it should have been replaced 2 years ago. With regards to the police budget to purchase new police vehicle. There are 2 options and go through block grant which we do not know if we are going to get it. I am not asking of council to purchase but to ask for bids. Advertising is 2 weeks to bid. It will be 6-8 weeks to order vehicle which is first of June. If we don't get grant police department could do 90 days same as cash. PD has \$20,000 in 07-08 budget and into next budget approve \$14,000 and have vehicle paid off by June. I AM ONLY ASKING COUNCIL TO SEEK BIDS AT THIS TIME. Donn Wooden: in bids there needs to be language to accept or not accept bids in advertisement. Sees no harm to get bids out, and if we can get matching funds. Mayor DeCora: SLIB grant police vehicles qualify 25-70 money last year we got \$80,000. If we can get enough for 2 and come up with 25%. I am adamant about not going out and borrowing money for this. Donn Wooden motions to authorize the submittal for bids for police vehicle. Don Jorgensen we should bid for not only one but 2 police vehicles. Beau Taylor seconded. **VOTE: 5 yes; 0 no; 0 abstain; 0 absent. Motion carried.**
- **Shirley Brown:** Data Center report and library is coming along nicely and met with Alpine Meadows and the building will be more than 10,000 sq ft and it will be 20 -30 job opportunities, all based on fiber optics. This will be from Kentucky and the Wyoming Business council. Jobs will offer \$22-\$25 hr starting off. Halpin is providing the land and providing a block grant for the building. Victoria DeCora: says this is preliminary. Stefan Fodor: we may want to send acknowledgment letter to Data Center, Alpine Meadows and Meridian Group c/o Lisa Paddelford. Donn Wooden motions to send letter of report for Data center Don Jorgensen seconds **VOTE: 5 yes; 0 no; 0 abstain; 0 absent. Motion carried.**
- **Attorney Stefan Fodor:** Financing of sewer fees and small plant negotiations are moving along talking with Lee Schwab, Bob Norton and Leon Lkjellgren would like meeting February 12th in Jackson with Mayor. The Town's ability to reduce flows is imperative and stressed concerned with NSU and with the off season NSU wants to dump there every a day. Flow comes in heavy at daytime and NSU would dump when flow is low. If that is the case we may be able to take all of their waste. If we can take at certain times re 5:00 am. Logistics will be discussed at next week's meeting with Lee Schwab and Leon Klelgren. Franchise agreement deadline for completion is coming up. MR Fodor: ask for executive session statute 16-4-405-Aii
- **Attorney Stefan Fodor:** reference to Ernie Scott; International codes provide for enforcement, codes say you must evacuate. Wyoming State Constitution states you have to afford due process rights. I suggest at next meeting you adopt an emergency Ordinance regarding enforcement of the code and providing for Due Process when

depriving someone of a property interest. This is an emergency as the Scott's have done nothing to make their building compliant after many months of warnings. Refers to Jackson Ordinances. Victoria DeCora: if it would cave in today, what liability would we be in? Attorney Fodor, to date there is a potential an issue of liability for the town. We need to de an Emergency ordinance for due process, order to abate or vacate. Mayor DeCora: every effort was made by this community at what point do you need to step in there; the town did not create the problem. The problem is not the towns. Donn Wooden: claims he will make an attempt to reach the Scotts so they are not blindsided.

- **Donn Wooden:** Meridian Group would like to hold a public hearing, letter from Leon states that staff is low and having trouble getting permits through so this will move things along. Meridian group feels they are getting bad review. Stefan Fodor: I feel anything we can do to open up discussion on the WWTP and take comments from public is a good idea, calling Lisa and setting up an informational session to let everyone knowing what is going along plus other developers is always in the best interest of citizens. Mayor DeCora: will call Lisa and set up time and place and agenda for meeting.

➤ **UNPAID BILLS**

Donn Wooden motions to pay unpaid bills. Shirley Brown seconded. **VOTE: 5 yes; 0 no; 0 abstain; 0 absent.**

Don Wooden motioned to go into executive session pursuant to W.S. 16-4-405(a)(ii), Don Jorgensen seconded. Votes: 5 yes; 0 no, 0 abstain

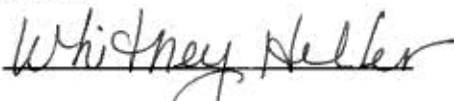
Public Meeting reconvened at 11:12 pm.

Donn Wooden motioned to ratify the action taken in executive session. Don Jorgensen seconded. **Votes: 5 yes; 0 no; 0 abstain 0 absent. Motion Carried.**

Don Jorgensen motioned to recess the public meeting, Beau Taylor seconded. **Votes: 5 yes; 0 no; 0 abstain; 0 absent. Motion Carried.**

Public meeting recessed at 11:14 p.m.

ATTEST:


Whitney Heller, Clerk


Victoria DeCora, Mayor

