

TOWN OF ALPINE
COUNCIL MINUTES
JANUARY 15, 2008

Meeting was called to order at 7:00 pm by Mayor Victoria DeCora whom then held the pledge of allegiance. Roll call was taken by Treasurer Brenda Bennett: Don Jorgensen, Beau Taylor, Victoria DeCora, and Donn Wooden were present establishing a quorum. Shirley Brown was absent and excused as she was in Casper for training.

Council Minutes for: March 6, 2007 – March 20, 2007 – April 17, 2007 – December 18, 2007 were awaiting approval. **Don Jorgensen motioned to approve said minutes. Beau Taylor seconded. VOTE: 4 Yes; 0 No; 0 Abstain; 1 Absent. Motion carried.**

Planning & Zoning minutes for December 11, 2007 is waiting for approval. **Beau Taylor motioned to approve said minutes. Don Jorgensen seconded. VOTE: 4 Yes; 0 No; 0 Abstain; 1 Absent. Motion carried.**

Terri Potter: was not able to make it to show all the new fire truck.

Bob Norton from Nelson Engineering was not able to make it for a personal update on the Waste Water Treatment Plant. He did however relay that things are moving along and to let every one know that they would be having a meeting here at the Town Hall on Thursday if any one would like to come to that. If any one has any questions please feel free to call him.

284 – Resolution No. 01-15-08-2008 Appointments: Mayor DeCora read the resolution in its entirety and asked for a motion. **Donn Wooden motioned to approve the resolution. Don Jorgensen seconded. VOTE: 3 Yes; 0 No; 1 Abstain (Victoria DeCora) 1 Absent. Motion carried.**

285 – Resolution No. 01-15-2008 Rules for Council Meetings: Mayor DeCora read the resolution in its entirety and asked for a motion. **Beau Taylor motioned to approve the resolution. Don Jorgensen seconded. VOTE: 4 Yes; 0 No; 0 Abstain; 1 Absent. Motion carried.**

285 – Resolution No. 01-15-2008 Hale Easement Pallis Park: Mayor DeCora read the resolution in its entirety and asked for a motion. **Donn Wooden motioned to approve the resolution. Don Jorgensen seconded. VOTE: 4 Yes; 0 No; 0 Abstain; 1 Absent. Motion carried.**

2nd Reading: 164 Ordinance No. 2007-20 Hwy Annexation: Mayor DeCora read the title of ordinance and asked for a motion. **Don Jorgensen motioned to approve the second reading of the ordinance. Donn Wooden seconded. VOTE: 4 Yes; 0 No; 0 Abstain; 1 Absent. Motion carried.**

1st Reading: 165 Ordinance No. 2007-21 Amended Budget: Mayor DeCora read the ordinance in its entirety and asked for a motion. **Beau Taylor motioned to approve the first reading of the ordinance. Don Jorgensen seconded. VOTE: 4 Yes; 0 No; 0 Abstain; 1 Absent. Motion carried.**

166 – Ordinance No. 2008-22 Emergency Snow Removal: Mayor DeCora read the ordinance in its entirety and asked for a motion. **Beau Taylor motioned to approve the emergency ordinance. Don Jorgensen seconded. VOTE: 4 Yes; 0 No; 0 Abstain; 1 Absent. Motion carried.**

1st Reading: 167 – Ordinance No. 2008-23 Snow Removal: With legal councils approval, Mayor DeCora read the title of ordinance (ordinance was read in its entirety for the emergency snow removal ordinance) and asked for a motion. **Beau Taylor motioned to approve the ordinance. Don Jorgensen seconded. VOTE: 4 Yes; 0 No; 0 Abstain; 1 Absent. Motion carried.**

Discussion: Targhee Landing Strip:

Attorney Fodor feels that the council can accept or reject the applicant; it does not need to go back to Planning & Zoning. He feels the town has never accepted or approved the Master PUD plan for this development. He feels the council should use tonight for the acceptance of the Master PUD plan and discuss the final plat at a different meeting.

Attorney Hess does not agree with this as there was a letter sent to the County Commissioners back in 06 approving this plan with changes. He feels that this should be the final plat hearing. He wants to make a presentation to answer all questions to prove that the concerns in 06 have been taken care of.

Richard Vangytenbeek presented the entire project to the council making sure to answer concerns and questions from the 06 letter and from the last Planning & Zoning meeting. Toy storage has increased like asked for. Snow removal or storage space has doubled in size plus they can use the park and empty space by the highway. Open space and the park has increased and been moved so the park is inside the development not on the outskirts by the highway. Open lots will be dedicated as open space on the final plat map. The final plat will also have an airport warning like Planning & Zoning requested. Other areas of future development were also shown as requested by Planning & Zoning. Water is to be supplied by well or from North Star Utility. The water tank would be covered and trees replanted if the tank goes on lot 9 so it would be less evasive to all. There would be enough water in the tank for fire/emergency use. The septic system would be an enhanced system not an injection system. The enhanced system will need 2 permits from DEQ.

Mayor DeCora read a portion of the Town of Alpine Master Plan for North of Alpine: see attached.

Mayor DeCora called for a short recess at 8:10pm.

Mayor DeCora called the meeting back to order at 8:20pm.

Bob Ablondi from Rendezvous Engineering stated that the sewer has to be monitored with strict requirements. Standards have to be met for the DEQ or there will be heavy fines if not all is in compliance. It was asked how long the enhanced system would be in use and what kind of documentation there would be stating that they have to hook into the system in a timely matter. The plan is to be able to hook into the Towns sewer in the near future. The project will be done in phases so if the sewer plant is done by the time phase 2 comes along it would automatically be hooked into the plant. The Town would like to see this in writing and on the plat map.

Matt Voigt asked what kind of impact would this have on surrounding wells for contamination and draw. Bob Ablondi said the draw for other wells would be very minimal. As far as contamination, there would be none as the ground slopes away from the existing wells.

It was asked about the care of Jordan Canyon Road as property owners are taking care of it now. Applicant is willing to upgrade or help pave the road. The Town Council asked that this also be covered, put in writing, and also put on the plat map. The Town Council would like it to include the verbiage until such time that the property is annexed by the Town of Alpine.

Council comments: Mayor DeCora has a problem with the density. It is a wonderful project but it does not fit in with the surrounding land owners or community. Very pleased that the park was moved to the inside. Councilman Wooden feels that this is discrimination to single out this project as being too dense. He feels it is the smallest project across the river. He feels that it will be more affordable for the blue collar worker. Councilman Jorgensen feels that they have been trying to do the best thing and clear up all problems. They have made changes that have been asked for as they want to be a part of the community. Councilman Taylor agrees with other councilmen. He does feel that it is a little denser than what he would like but all in all a good deal for your couples. Council woman Brown – see attached letter.

Mayor DeCora would prefer to have a full council before deciding any thing on this issue. Councilman Wooden disagrees.

Lara Gertch has concerns about the toy lot maintenance & vegetation, who is going to keep it nice, who is going to water it, who is going to take care of it after the builder is gone. She also agrees that something needs to be in writing about the hook up into the sewer so her well does not get contaminated. She has a huge concern for her well getting contaminated. She feels that Donn Wooden has a conflict of interest as he is an area realtor. He can sell lots in the future for this. She is very disappointed that minds were made up before anyone got to talk.

Mayor DeCora read a letter (see attached) from Leni Sorenson.

Revis McElkeney wishes they started with this plan a year and a half ago as they may have something going for them by now, it only took them a month to make the changes that we see here. The buildings all look the same, is that what we want for this town. Is there drainage for the toy storage? What is the price going to be for the units? How affordable is it really going to be?

Mayor DeCora again stated that she wanted to wait for a full council to make any decisions on this.

Applicant stated that they would be responsible for the maintenance of the vegetation and its irrigation system. This can all be controlled with CCR's. Applicant stated that they are more than willing to help with control of the road. There has not been a plan made for drainage at the toy storage lot.

Surveyor Scherble stated that the developer would be there till the very last unit is sold to take care of these issues. Then it could be put in the CCR's for the upkeep and care of the toy storage, parks, and road.

Mayor DeCora asked if it was true that the property in question sits on an old landfill. Donn Wooden stated that the old landfill sight was on Gibby acres, he then showed all were the old local landfill was.

Donn Wooden asked the Mayor if we could take a 3 minute recess so he could get with a couple of people as we might be able to solve the problem.

**Mayor DeCora called for a short recess at 9:25 pm.
Mayor DeCora called the meeting to order at 9:35 pm.**

Mayor DeCora asked for any more comments from the public or council.

Don Wooden would like to make a recommendation to make a motion to approve this project with the condition that they do every thing they can to alleviate this issue on Jordan Canyon road and the parking area. That there are stipulations in writing by and between the neighboring properties, owners and developer as to the disposition of the land up there and how it will be managed and controlled. The priority would be to make another way to internalize it as much as they can to relieve any issues for people to argue with. Other than that he thinks this project is good, we need their business. He would like to motion to let them proceed and that they get tighter with their neighborhood over there and try to work out these items that seem to be really an emotional issue. The toy parking area and the traffic on the road need to be maintained in the future.

Attorney Fodor asked the Mayor and Council if they supported his interpretation that Master Plan PUD approval was not granted in 2006. If you share that opinion tonight you would be acting to approve the Master Plan PUD. If you disagree with that opinion you would be granting final plat approval. So we need to state for the record what you are approving what condition you attach and your reasoning for it. Mayor DeCora stated final

plat approval is as is that we are placing conditions on this so she assumes that it is approval of a PUD with conditions on Jordan Canyon Road and the toy storage parking lot. Attorney Fodor stated that as a board or council you would be taking the position that the July 2006 letter from Mayor David Lloyd to the County was not Master Plan approval PUD. He just wants to be clear on that. Donn Wooden is confused on where this stands with the 2006 commitment. He understands it as giving approval or the intent was to give them approval to proceed and go forward with this to the County. Attorney Fodor stated that this was for joint approval, the county has to approve the PUD and the County has to approve the final plat. It should say joint approval. There are two separate processes the county has to give their approval to both and the town has to give their approval to both. John Woodward from the county new that this was a high density project and advised the applicant to make their plans known to the town and to get advise and guidance from the town. There are 9 towns in the county and they have to be treated the same. Master plans that run through their office are not typically jointly approved, but plats are if they are within a mile. It was with his guidance that the applicant wanted to make the town fully aware of the master plan so there would be no surprises later on.

Don Jorgensen stated that if he remembered right, they approved the master plan originally with the conditions that were set forth. As he remembers it the conditions have been pretty well met. The main thing was the play ground, open areas, toy parking, and yes we did say internal or adjacent. We did have Mayor Lloyd write up a letter of recommendation to the County with the conditions. They have widened the roads to accommodate snow removal. He feels that they did give Master Plan approval.

Again Attorney Fodor would like the council to decide one way or the other if this is approval of the PUD because it wasn't granted before, or if this is final plat approval. Which one is it? Donn Wooden wanted to know if you can approve a final plat with conditions. Attorney Fodor stated you could or you could deny it.

Surveyor Scherble asked if they could give approval to both at the same time, two separate motions but to approve both in the same meeting. Attorney Fodor is not sure, his inclination is to say yes, but he is not 100% sure. He asked if Attorney Hess could give him an ordinance that would help convince him. Attorney Hess would like to see the motion amended stating that the Master Plan PUD was approved followed by a motion to approve the final plat at the same time instead of agonizing over a letter and then moving on.

Donn Wooden would like a motion to approve the revised final plat and PUD of the Targhee Landing project subject to 1. A letter of commitment to connect to the Town's sewer system when available by the most expedient method at that time, no 15 year period. 2. A letter of understanding shall be issued by the developer by and between the property owners to share in maintain and improve the Jordan Canyon Road on a perpetual basis. 3. Make every effort to internalize and relocate the toy park to accommodate the concerns of the neighbors and the safety, and security to those that will be using the toy park. 4. Provide ways and means within the CCR's to provide continuity to cover the on going operations that proceed this.

Mayor DeCora has a question before she asks for a second. Are we voting on a final plat tonight or are we saying that we will approve this final plat if these conditions are met. Attorney Fodor stated that you can vote on a final plat with conditions. He would like to see the conditions firmer. For the record and for enforcement the conditions need to be more hard and fast, the language needs to be must or shall not might.

Mayor DeCora asked if Donn would please read his motion again.

Donn Wooden motion to approve the revised final plat that we see here tonight and PUD of Targhee Landings project subject to the following conditions. 1. A letter of commitment from Targhee Landing to connect to the Town sewer system when available via the most expedient method. 2. Letter of understanding with the town and property owners from the developer to share in and maintain and improve the Jordan Canyon Road on a perpetual bases. 3. Make every effort to internalize and relocate the toy park area to accommodate the desires of those of the neighborhood and the potential land owners with in and the security there of. 4. Provide ways and means with continuity through the CCR's and the home owners association until such time the incorporation comes around.

Attorney Fodor still feels that the language needs to be firmer for enforcement issues.

More questions were asked about the toy storage, this seems to be a problem that has held this up. If it is moved to a different phase of the project would this make it easier? Does it need to be gated for security, should there be a fence around it? Does it need to be moved to the interior of the project? If it gets moved to a different phase does it just become a county issue or does the town still have a say.

Mayor DeCora stated in the sake of moving on we need to do a motion to approve or deny this final plat tonight. We can make a motion to approve it subject to in the future but we need to make a decision and we need to use definitive language in our motion one way or the other. We could sit here and go what if what if all night.

Donn Wooden motioned to approve the revised final plat with the following conditions. 1. A letter of commitment from Targhee Landing to connect to the Town sewer system when available via the most expedient method weather through the Town or North Star Utility. 2. Letter of understanding be entered into by the developer the property owners to share, maintain and improve on a perpetual bases the Jordan Canyon Road. 3. Commence with the effort to internalize or resolve the issues with the toy park to accommodate neighbors and future property owner. 4. Provide ways and means with continuity for enforcement through CCR's via the home owners association. 5. That every thing shall be entered in on the final plat before it is brought back to us. Don Jorgensen seconded.

Surveyor Scherble made a suggestion to make a bond for the project, to enforce the road maintenance, the toy shed. Bob Ablondi agreed that this would be a reasonable request.

The bond would be held by the County as the project is not in town limits. Lara Gertch has concerns with the paving of the road as people already speed on it. Revis McElkeny fears that if they want to pave it all the way back it might price some of us right out. He likes paved roads, but. If he remembers correctly from one of the previous meetings they had already agreed to pave a portion of the road. Surveyor Scherble agreed with him that it was in fact discussed earlier. The same type of bonding could be used on the landscaping, toy storage.

Donn Wooden still likes the idea that we approve it with conditions and not sign the final plat until the conditions are met. He will formally withdraw his motion at this time but he certainly wants it back on the table at the next meeting. We need to either get a yeah or neigh on this. Beau Taylor motioned to continue this until the next meeting on February 5th so we can clarify our conditions. Don Jorgensen seconded. VOTE: 4 Yes; 0 No; 0 Abstain; 1 Absent. Motion carried. Attorney Hess wanted to clarify that on February 5th it would be for the final plat approval, not the PUD. Mayor DeCora said it would be for both.

Discussion: Ernie Scott – Mayor DeCora would like to discuss this last.

Discussion: American Park Adventures- Mayor DeCora said Steve Patvin could not be here tonight but we have addressed the situation. Attorney Fodor would like a break so he may talk with Mr. Dicenso. This will be tabled until the next meeting.

**Mayor DeCora called for a short recess at 10:37 pm.
Mayor DeCora called the meeting to order at 10:48 pm.**

Adopting Building Codes & Land Use Town Code: Planning & Zoning recommendations and map are enclosed. Mr. Pederson from Pederson Planning Consultants was here to give a presentation on the new building codes and land use codes. There have only been a couple of changes from the last time this was presented. There have been some updates on the map, and he wanted to clarify the differences. Mr. Pederson went over the codes to remind all of what is going on. Some things were added like fire protection plan, home occupation, separating codes and making it easier and more user friendly. This will all be put on the web site so people can look them up or come in the office or call and they can be mailed to them. He explained the differences between MRC – 1 and MRC – 2. Basically the difference is a home business with out outside traffic and a home business with outside traffic. As was mentioned above this is all available on the web site or at the town office. He wants the Town to continue to work on the recreational master plan, start looking for funding with grants and loans. He feels we should also go in with the County to work on the Master Plan for the greater Alpine area which will include every thing across the river. If we do this jointly with the County it will help if we have another situation like the one before us tonight. As we all know the Town is expanding to the North and will probably expand to the South so this would be a great step for the future. A minor construction permit was also added to this plan. The commission unanimously agreed that these don't need to come before the Town, some

things would have to be permitted if plumbing or electrical is involved. If it is not on the list or on the regular building permit then one would not be needed.

Donn Wooden asked to be excused as he is not feeling well. He left at 11:00 pm.

Mr. Pederson would like to strongly advise the Town to hire a zoning administrator to go over plans, packets, and to be available at least once a month or more to meet with people ahead of time. It will help people follow all the steps and should go smoother. The zoning administrator would also be the buffer between the public and the board. This person would not have to be a permanent employee, they could possibly be a once in a month or on an on call bases. The advantage of having a small firm do it would be for having maps done at a cheaper rate. Mr. Pederson feels that the Town is ready to move forward with this. Planning & Zoning will look at it again at their next meeting. Attorney Fodor would like to put a cut off date on complaints or comments to this so we can get it done as he feels it is a great thing.

Mayor DeCora read 168 Ordinance No. 2008-23 Adoption of the Town of Alpine Land Use Development Code in its entirety. Don Jorgensen motioned to approve the ordinance. Beau Taylor seconded. VOTE: 3 Yes; 0 No; 0 Abstain, 2 Absent. Motion carried.

Mayor DeCora asked for a motion to pay the bills. **Beau Taylor motioned. Don Jorgensen seconded. VOTE: 3 Yes; 0 No; 0 Abstain, 2 Absent. Motion carries.**

Officer Phillips brought a spread sheet to share with the Mayor and Council with information on replacing the red police truck. It is his professional opinion that it needs to be replaced and soon. He stated that we have \$10,000.00 in the budget set aside for this purchase already. If we take out a loan to pay the rest it would be paid in full before the Mayor left office which legally has to be done. He has done research comparing used vehicles and buying new, he has talked with Highway Patrol and the captain they told him we would be lucky to get a vehicle with less than 90,000 miles. The problem with that is we would then have two vehicles that would be ready to leave at the same time. Chief Phillips would like to know if you ask for bids if you have to take one of them. Attorney Fodor said no you don't if they don't meet your requirements or what you need. Mayor DeCora stated that if she was not the Mayor and just a resident that if she saw a new police vehicle driving through her neighborhood she would be one upset resident. Chief Phillips asked her why, does she not think the Town is managing its money properly and has the money to buy a new vehicle. Mayor DeCora thinks the police department right now is the biggest drain on this town. Chief Phillips said it is and it always will be. Mayor DeCora stated as a tax payer she would not feel good about spending \$33,000.00 on a vehicle this year. Chief Phillips said you are not, you would be spending \$10,000.00 this year and \$10,000.00 next year. Don Jorgensen said as a tax payer he wouldn't feel right about spending \$10,000.00 on a used vehicle that may not be able to respond in an emergency. Mayor DeCora said she needs to think about this and would not make a decision about it tonight. The black & white is still in good shape and he expects it to last another 3 to 4 years. This would be replacing a vehicle every 7 years. Attorney Fodor stated then you don't have a build up and have to replace every one at the same time. Chief Phillips agreed with him. Chief Phillips would like to know if he can

have permission to start seeking bids on this. Mayor DeCora said not until the rest of the council gets the presentation and has time to discuss it.

Mayor DeCora asked for a motion to adjourn the meeting. Don Jorgensen motioned to adjourn the meeting. Beau Taylor seconded. Meeting adjourned at 12:01 am.

Victoria DeCora
Mayor Victoria DeCora

2-5-08
Date



ATTEST:

BBS
Brenda Bennett Treasurer

2/6/08
Date