

TOWN OF ALPINE

COUNCIL MEETING MINUTES

December 18th 2007

*Clerk's Note: Minutes are only a summary of clerk's note.

Mayor DeCora called the meeting to order at 7:00 pm, and held the pledge of allegiance, Roll call taken and a quorum established. Present: Mayor DeCora, Don Jorgensen, Beau Taylor, Shirley Brown, Donn Wooden.

- Don Jorgensen motions to approve council minutes for December 4th 2007, P&Z Minutes for October 9th 2007, October 15th 2007 November 13th 2007 and November 27th 2007. Beau Taylor seconds. **VOTE: 5 yes, 0 no, 0 abstain, 0 absent. Motion carried.**

- **ACTION ITEMS**

- ❖ **Mary Flowers speaking in reference to snow mobiles:** What are the rules for snow speed limits and no helmets are they the same as motorcycles or can go snow machines go anywhere? Mayor says: Alpine does allow snow mobiles. Don Jorgensen: according to law it is a off road vehicle and rules apply as 16 years of age and anyone under 18 is to have helmet, so if it is breaking speed limit than laws are broken. Mary Flowers asks, about private property, in a subdivision snow machines are not to go over private property? Mayor DeCora says: it is a civil matter and the property owner must post the proper signs, on the streets of town they are to obey the laws. James Philips: in regard to there is no law as to # of people on sled and same laws apply as traffic laws, pedestrian has the right of way. Donn Wooden: they are to obey the traffic laws, there is an ordinance with this and minors need to be turned in without helmets. If adults are paying attention and keeping in speed limit and staying off private property I do not want to see the privilege to go away. Our law enforcement needs to get the word out.

- ❖ **Discussion Fines Ordinance 161-Ordinance No. 2007 for non compliance,** Mayor DeCora says, it is time we get a hold of this. Scott with the Burger Factory says, I am a new business in town and my issue with this is I do not own the building but I do own the business. I have bought the grease trap and it will be installed. I have issues with the annual fee though. Complying right now has been my issue. But it will be done. Donn Wooden: how long will it take to be in compliance? Scott: February 1st if this alright with council. Attorney Stefan Fodor: the policy was passed for business owners to comply; grease has an adverse affect for our WWTP. I recommend that you impose these fees. Beau Taylor: it seems businesses are getting double billed. The system is approved every month and shouldn't we trust the inspector. We are not cleaning we are inspecting. Leon Lkjellgren with Nelson Engineering: the grease trap is an inverted septic tank that

doesn't let the solids go to the bottom and the grease can be skimmed off. The grease trap makes it accessible, and this pumps out the grease periodically maybe 5-7 days or every 2 weeks. I have set up the ordinance with the yearly assessments and it is reasonable, and without inspections people don't take care of them. We are looking for compliance; the fees are there to assure compliance. Hope Ray with Little Acorns Academy says: it is unreasonable for a grease trap for her yet has grease trap on its way; it is an 8 lb grease trap. Tina with the Alpine Vet Clinic: works on pets doesn't feel we produce grease or sand. Shirley Brown: you do groom animals and bath them; in bathing we get a lot of hair it protects the sewer lines. Leon Kjellgren: the grease trap ordinance is specific on what is not allowed in the septic system, it is grease or any contaminant. Beau Taylor: in your opinion does the vet clinic apply to this, will a grease trap collect if she is discharging straw from the barn that is a huge problem. Tina, the 3 chemical we put down drain is water and disinfectant we do not use straw in our building, as the grooming our hair is vacuumed and we have a hair trap. I also feel the daycare is excluded. Mayor DeCora: hope cooks for 40 kids and it is a normal house. We need to reevaluate each and every business. Donn Wooden: all the folks that received the ordinance, o you acknowledge? It appears that there was a 90 day notice. The 90 days has slip by and I would like to suggest and make this effective immediately within 30 days and if you don't need one, we can discuss this more. This is a serious matter. 30 day to comply and pay the fee and let the fee spread out over a quarterly period and have random checks. We need parameter here and need to proceed with this. Not impose the fine but take it as a warning. Don Wooden: motions to give 30 days for compliance 0-750 fine. Mayor DeCora: I have dealt with a major problem because of grease and would like to charge \$750.00 a day it has cost this town \$36,000 in 6 months to get the plant back in order because of the grease. Donn Wooden: \$50.00 a day would be appropriate after the 30 day compliance. I would like to propose a warning tonight, and after 30 days it will be a \$50.00 fine every day until compliant and reasonable 10 days until shut down. Donn Wooden: if a business feels they should not be under this ordinance show a cause in writing. Don Jorgensen: also in writing a list of their discharge for the business. Donn Wooden motions. Don Jorgensen seconds. **VOTE: 4 yes, 1 no (Beau Taylor), 0 abstain, 0 absent. Motion carried.**

- **281-Resolution No. 12-18-07-2007** (adopting fines for non compliance of 161-Ordinance No.2007-17) Mayor DeCora reads as followed in its entirety (see attachment). Mayor DeCora asks for a motion. Donn Wooden motions. Shirley Brown seconded, **VOTE: 4 yes, 1 no (Beau Taylor), 0 abstain, 0 absent. Motion carried.**

- ❖ **277- Resolution No. 12-18-07-2007** (compliance of Annexation US HWY 89) Mayor DeCora reads as followed (see attachment) also reads exhibit B (see attachment). Mayor DeCora asks for a

motion. Beau Taylor motions. Don Jorgensen seconded. **Vote: 5 yes, 0 no, 0 abstain, 0 absent.**
Motion carried.

- ❖ **164 Ordinance NO. 2007-20** (1st reading Annexation of US HWY 89). Mayor DeCora reads Ordinance as followed (see attachment). Mayor DeCora asks for a motion Donn Wooden motions to pass first reading of Ordinance 164 No. 2007-20. Shirley Brown seconded. **VOTE 5 yes, 0 no, 0 abstain, 0 absent. Motion carried.**
- ❖ **282-Resolution No. 12-18-07-2007** (SLIB Application) Mayor DeCora reads Resolution as followed (see attachment). Mayor DeCora asks for a motion. Attorney Stefan Fodor: continuation from last meeting was help to finance connection fees, the town is not able to secure those loans and application needs to be amended in use of funds. Mayor DeCora: the town can not subsidize but the town can seek bonds. Bob Norton: the application does not state specifically those funds are going to be used for connection fees, it is for construction. Donn Wooden: under agreement everyone needs to be aware of the difference here and time is of the essence and we need to break down percentages. And the town should bear 52% of loan and Northstar bear the 48% and increase of cost should be spread out over the ERU's and when the plant is on line the rate goes up to \$7,500 from \$5,000. We can always turn the money back what we do not use as a revolving loan. Attorney Fodor: how would you respond that the town is under distress on the time date? We need to be on equal partners with everyone and do what is fair. Don Jorgensen: if Northstar took over the plant they will incur more cost than what we would. Mayor DeCora: the town would incur the cost. This is the Towns plant and North Star bought in 48% of capacity, not the plant. Don Jorgensen: makes a motion to pass 282-Resolution No. 12-18-07-2007. Beau Taylor: would like to know why we are asking for the \$750,000 if we are not financing our customers. Mayor DeCora: we can not finance as a town. Donn Wooden: we are asking for the money so we wont have to do this down the road time is under the gun and we don't have to use the money. Bob Norton: you can not use the loan to finance the fees of customers but you can use the reserve funds to finance connection fees the application will be heard February 7th 2008. Shirley Brown seconded **VOTE: 4 yes, 1 no (Beau Taylor), 0 abstain, 0 absent. Motion carried.**
- ❖ **Bob Norton: (Award of Contract)** Council meeting on December 6th there was a motion to award contract for construction for the WWTP; we need now to award the contract for equipment purchase. The total EnviroQuip bid is \$1,309,117.00 and asks the council to award the contract and authorize the Mayor to execute documents when they are prepared. Donn Wooden motions. Don Jorgensen seconded. **Vote: 5 yes; 0 no; 0 abstain; 0 absent. Motion carried.**
- ❖ **Terri Potter: (Discussion for the new pumper truck).** Mayor DeCora: Joint effort between the Town and County to match money for the Fire Department pumper truck. Terri Potter: we met Friday with Mayor DeCora we have \$130,000 grant money and the best thing would be a 10 year lease. It would be a split between the county and the town. The contract is with Pierce (oshgosh) a 10 year lease. Mayor DeCora: we are going into a new year and feels the town could

budget \$9,000.00 for the new fire truck. Donn Wooden: makes a motion for Town to support. Mayor DeCora asks for a motion for the Town Attorney Stefan Fodor to draft Resolution. Donn wooden motions. Don Jorgensen seconded. **VOTE: 5 yes, 0 no, 0 abstain, 0 absent. Motion carried.** Stefan Fodor: ask to write Resolution and to recess.

Meeting recessed at 8:42 pm. Meeting adjourned at 8:55 pm.

- **283-Resolution No. 12-18-07-2007** (Water Pump Truck) Mayor DeCora reads Resolution as followed (see attachment). For purpose of requiring property pumper fire truck. Mayor DeCora ask for a motion to accept 283-Resolution No.12-18-07-2007. Donn Wooden motions. Don Jorgensen seconded. **VOTE: 5 yes, 0 no, 0 abstain, 0 no. Motion carried.**

- ❖ **Adopting New Town Codes:** Paula Stevens: Jim is here tonight to give open presentation regarding rewrite of land use code, what I would like to say on behalf of P&Z with Jims work over the last year we are ready for the code to be reviewed by the Town. Jim Pedersen: we have given out a copy of the new land use and development town code. You passed this over a year ago to pull together a new zoning ordinance and when we went through this you had adopted building codes for the town and we thought would be appropriate to merge the 2 together, which we are now calling Land use and development code. So that all land use regulation can be in one place and easy to fine, for building permit or rezoning application. The codes will include subdivision regulations. In this new code book, is broken into 4 parts , part 1 describes land use approval process, part 2 zoning ordinance, part 3 is the municipal building process and development standards, part 4 and appeals and enforcement process. District regulation specifies the requirements in the zoning districts authorized uses. Where we are, we have a draft and ready for a legal review by Town Attorney. Paula Stevens: this meeting tonight is only for review and we are planning on meeting with you January 15th 2008. Mayor DeCora: When we pass this Ordinance will it automatically rezone property as it sits. Jim Pedersen: Yes it would. Mayor DeCora: Beau has pointed out that the map is missing a lot. Beau Taylor, is there a reason why there are no numbers of lots listed? Donn Wooden: there are errors on map that I see, lot 3 A on Greys River Rd which is Carla Stone's and has been approved for commercial land, and the unnumbered lot on the highway. Jim Pedersen this is a proposed zoning map. Whitney Heller: This is a review only and publication will be advertised and will set hearing. Mayor DeCora: we would like to make this available to the public on website and in Town Hall and all written public comments are encouraged for January 15th meeting. Tiffany Gayhart: this is downgrading people's property, and there are strict regulations for this. Jim Pedersen: we have met with P&Z commission and discussing issues; we have met and now coming to Town Council advising them where we are in the process. It will be made public and there will be a public hearing. Donn Wooden, this town has not hidden anything and this has gone for over a year. Attorney Stefan Fodor: I can understand your concerns, these are only proposed changes. And it will go to public and we seem to be jumping the gun, no action has been taken. We will

keep the map here at the hall and the public will be able to oppose and view. Tiffany Gayhart: what am I to tell my customers when they ask what zone they are buying? Mayor DeCora: there will be a public hearing on January 15th.

- ❖ **Targhee Landing Strip:** Paula Stevens: recommendation on Mary McSorley a simple answer would be no. We had a special meeting tonight and heard public comment. There are 2 issues, County process where they are? The non recommendation from P&Z agree that there are notations that need to appear on plat, (1) is that there is an airport nearby that there is an active runway people need to be aware if this, and, (2). The plat needs to be consistent with regard to future development that is shown that is only available for 1 lot, and playground. So there is no confusion in the future. Other than that, the plat appears to conform to regulations, AS TO FORM. Beyond that we have concerns with the operation going forward with the WWTP, if it is to go further it ought to be an enhance system. There is also discussion if the development is appropriate. Marlow Scherbel: August 2006 the Targhee Landing was given a preliminary plat approval by the County we have been working to be compliance with this. Conditions of approval, (1) to be in compliance with the master plan approval will run with the land and any additional changes will require additional permit application. (2) Town house subdivision has to comply with county regulations including Wyoming Department Environment Quality Chapter 23 review which is sewer and water. Star Valley Conservation District Review and plat approval from the Town of Alpine. When the jurisdiction is within 1 mile of the Town boundary there needs to be a joint approval of the plot which is why we are here tonight. (3) Disturbance of the soil, exceeding 1 acre shall require storm water discharge permit, development of the culinary water system shall require DEQ permit to construct development shall require DEQ to construct and development along the highway approach shall require approval of the WYDOT. The row of Town homes east side shall be constructed with interior fire sprinkler systems, and 1 acre storage area shall be provided for designated overflow of vehicles and recreational vehicles. Master plan was approved with phases; we are now in the final plat stage for phase 1 which is 32 units. Future phases would be at a later time and subject to same joint approval. There are 8 total conditions as stated on the staff report from Lincoln county – I do not know if Marlowe went through all of them, but if he did and you missed them, the staff report is in the packet of info sterling land company sent out on 1/9/08.

Richard Van Gytenbeek: (Rendezvous Engineering) this is the plan that was reviewed and approved in 2006 would like inform council there have been changes (references map) attachment to Lincoln County Board of county commissioners staff report. (1) We wanted to provide for storm water for the 100 year storm events, the applicant selected a triangle of land for drainage to it. In previous plan small park was designated, we decided to move that across the street so we can maintain a flat area now it doesn't preclude to use this area as a park as it is designated for open area it will have depression of 5-6 ft . Play ground area will be across the street, we also gone ahead if you remember there where 4 units we have reduced that to 1 unit so it will be more accessible. Next item, snow storage issue, the 2006 plan there was 1.6 acres as designated snow storage northeast of project. Another active snow storage along the street, which was along the edge of sidewalk 5ft wide. In this plan we have changed the

street cross section and doubling to 10ft the section adjacent to the road. In addition that is where a lot of the storm water will be stored, as well as continuing to provide a little more of an acre to dead storage of snow. In reference to the snow storage, there where 59 spaces in total we have reduced that down to 38 small parking spaces less than 300 sq ft. and 21 larger ones which varied in size. 2 things were considered, how this would impact residents to the North and West and how it would be viewed looking into site while driving by. We propose to bring up grade which is 20 ft or so which creates a platform to put vegetation and screen the view. There are almost 50 20' spruces on the front end, over 60 4' Aspens, 35 30" Burlap shrubs. This will help to cut down the view lines at the top of the hill and screen the people on top of the hill. We also made it a one way street, to give adequate growth for trees; it is a 25ft roadway. The last item, would be the open space associated with this phase 1 as outlined, the open space parcels which will be dedicated to plat would be 2 triangle long wedges that run east west and recreational vehicle storage lot that was talked about, These are separate and apart from core of development this plan you looked at previous there wher 5.5 acres are required there are 6.5 represented here since that was reviewed and approved. We were trying to find areas that where separate from the subdivision. The county permits backyards to be used but we didn't find that appropriate so we are dedicating additional acreage to open space. These are the issues that have been brought up and addressed. Donn Wooden: have they met the requirements that P&Z formally looked at as well as the Town. Paula Stevens: On the P&Z level, we felt the density is too high for this location at this time, another issue is what are people going to do with recreation vehicles they are not going to store on their property? The idea there was to remove some of the lots on the backside and reduce the density, the county gave the applicant permission to do that offsite which was proposed against joining lots that was never heard by P&Z or the Town. Attorney Stefan Fodor: asked applicant, just so we are clear applicant is asking for final plat approval and it is your contention that the Master plan has been approved concurrently by the Town pursuant to statute 15-1-503? The reason for my question, 15-1-503 talks about Master Plans, adoption, concurrent action, contents and amendment, statute 15-1-502 each city and town may have a planning commission, which says the commission after holding public hearing shall adopt and certify to the governing body a master plan for the physical development of a municipality if the plan involves outside territory the city or town action shall be taken with the concurrence with the board of county commissioners. It seems after reading the statute the Town body needs a recommendation from P&Z to approve the master plan and my question is was this done? Furthermore, W.S. 34-12-103 and 18-5-308b state that every plat within one mile of a town or city boundary need joint approval by the County and Town/City. Speaker: Your statute you're referring the mile within the town I do not know if there is one. Donn Wooden: the letter from the town July 2006, it was recommended by the council that a small park, recreation center for children be developed rather than children playing in street, council suggested removing some of the homes and creating a less dense project aligned for better snow removal and recreation area for children, It looks as they have addressed that, although I would like to see more recommendation. As far as a master plan on the other side we do not have the authority for across the Town, the county does have a Master plan of sorts which allows for development of this nature. Speaker: A master plan was adopted by the Town of Alpine that does have recommendations for growth. Donn Wooden, how far do we go saying this person can and this person cant? I have no knowledge of this project. My concern is what we are doing to one development and in reality in 18 months we are to have a sewer plant online for this town, it took 5 years for River

View Meadows to come into our community, supply and demand will dictate how fast this develops, we need to be able to give good recommendations and be able to come into this village and be annexed. It looks as if it is a well planned project, and has its changes. I feel the impact will not be that great.

Speaker Laura Gurch; The new parking area will impact people that wasn't there before and specifically the mile out of your jurisdiction. What is this giving back to the community, there is impact to our highway this is a problem. Bob Ablondi: (Rendezvous Engineering), on the wastewater side, we have 2 options, injection wells for the whole project, or phase one of 32 units with built in modules and future phases are built they will connect to treatment plant. What we have are modules that have a life of 15 years. It is all in DEQ permits and what we are to meet, the applicant is moving forward and allows the project to begin with some units and how many units are on the well and how many units get built, we broke it up to size from an engineering point if the treatment plant was available we would hook up. Things need to be worked out, chapter 23 is our first step and public documents are available from the county. We hoped it was on county website as of last week. It was not as of yet. We have done preliminary wells, and have met DEQ standards. On the water side, the property is part of North Alpine Improvement District initial discussions with hooking to their system, some were supportive some were not. Currently, the owner is looking at possibility of a tank being built on the hill with gravity flow to subdivision, issues tonight covenants with putting tank on private property. We, have talked with the Forest Service and would like it on private property first, tank would be 200,000 gallon concrete tank, this will be completely buried concrete and 50 ft diameter 60 ft deep tank. The main point we would hook to sewer if it were here today, 18 months is a reasonable time schedule that allows start of development and to move forward, and all documents are public information.

Discussion from the public: Laura Gurch; you talked about snow storage and parking, and reducing the number of units. The area cannot handle the traffic it just does not have capacity and we are worried about vandalism. We are also against the enhanced septic issue injection system and I feel we are not getting all information with that. I would like to wait until new treatment plant is in place rather than taking chance with the water wells.

Speaker: Lenny Swarenston; chart is inaccurate, suggested that the 20 ft road was not sufficient for snow removal. And you have eluded the council with inaccurate charts. And to Mr. Ablondi, in reference to water and sewer you are saying out of 32 units you are going to let the first 8 units have injection system what happens after the 15 years who is going to monitor this. Also your chapter 23 reviews there are protest to this, I was out in the field with your people and areas were omitted from your report. Also the letter from Rendezvous Engineering states that if the injection wells are properly installed it would be safe and adequate what if it isn't! We don't want minimum construction we want quality of life. In closing long term need of public health should not be short term housing and would like to recommend tying into the towns WWTP. Speaker: would like council to do homework, and protect us we have been misled and it says that previous council it was asked to reduce density, the county has not been informed the same. The road will not be paved, and only intend paving what is theirs. I ask the council to go out and see exactly how the land lays, and to be careful who we are dealing with. Mac Cobb: concerning the density, it has been covered I am pro growth and have been in projects that have not been properly mapped out for growth, and these have had devastating problems, it is everyone's best

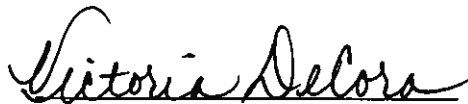
interest to wait until WWTP is up. As this goes on we do this right and not rush for a quick developer to get profit. Tom Coletti: I have some assurance how the project would effect me, I am not opposed to enhanced septic, best option would be WWTP, the one encouraging thing I saw was drilling a well closer to their septic system. Issue I have is I don't like the options, and P&Z and council approving a plat with options. Options are not always best for the residents; I would like to see options of injections are taken out of plan. Comments on the water, the water tank would be next to my property, west of the property there was to be 4 homes and there was open space and we want that I am for the tank but I do not want the congestion. We are to consider the people, and Scherbel has informed me it would not be divided we are being misinformed. Donn Wooden: maybe this traffic jam can be worked out and there should be conditions. Speaker: talking about the access the storage is not accessed by Jordan Canyon Rd it is all accessed from the interior of the roads of the subdivision there is a 30 ft public easement that is on Alpine Village, There is only one road in the eyes of the county, they have used 30 ft of the public and added 30 ft of their own, we are not impacting Jordan Canyon road, another comment on storage area the county did look at it to be offsite, we have developed this and processed with county public hearings for rezone and master plan for area (goodnight property) to the north. This was shown and accepted by county as part and they are well aware that would be part of Targhee Landing. On the treatment plant the town is allowing septic systems until the new plant is operational and allowed time frame of 15 years total life. When the line is there, the town is requiring hookup and we are trying to allow the same time frame for an area out of town. We are working in increments of 8 units and timing issue is presented and we are looking at temporary system. Inspections are to be certified to DEQ according to specifications, homeowners association will be required to have a maintenance agreement we have gone through requirements and process of final plat approval, would appreciate council comments and recommendations. Bob Ablondi: the tank issue there is room to build a house near tank yet smaller, and it is an advantage for that, there is room on the site to do both tank and house, we can look at Forest Service site. Doug Curr: I feel the council is wrong if they think this will not impact Jordan Road, something has to be done to address this, as far as water tank and house we are the ones in subdivision. (The remainder comments are from clerks notes) Speaker: the development keeps bringing up the county has approved it, we have not been represented please don't rubber stamp just because of that. Mayor DeCora: all they are looking for is for approval tonight of Phase 1 of Targhee Landing. Enhance septic systems; I believe construction will not begin until spring of 2008. Paula Stevens: it was said in an email that you do not say yes or no my concern here is good planning this development is not appropriate with the level of density. This being proposed tonight is not what was being proposed to your condition. Mayor DeCora: would like to do some research with this. Don Jorgensen: I was at the meeting last year and I can perceive you will have problems, I am against injection system. Shirley Brown: I was here also and we asked for a play area for children this play area is on HWY 26. Mayor DeCora: would like to table until further information Beau Taylor motions. Don Jorgensen seconded. **VOTE: 5 yes; 0 no; 0 abstain; 0 absent motion carried.**

- ❖ **Update Attorney Stefan Fodor:** Scott letter, second letter has gone out because of the safety issue. Have sent letter to Mr. Blitterdorf's attorney because of snow removal in easements. Discussed HK paving and inadequacy of paving project and performance was substandard. Statute allows for 10% of retainage, edge should have been sloped and tapered. Also propose to

notify people that there is a safety issue. Mayor DeCora: we need signs that say abrupt edge. Attorney Fodor: references fact that town is over budget. Mayor DeCora states she has talked with Brenda and she is coming in Friday to amend. Attorney Fodor: On Sunday he received a response to his email regarding cost for disposal of waste in small plant. Mayor DeCora: this should not be a complicated issue. We do not have a choice and they do not have a choice. Ask to make a final answer or table. Don Jorgensen we will go with 6 cent a gallon and five months with North Star Utilities. Don Jorgensen motions with 6 cent gallon with five month extension. Shirley Brown seconded. **VOTE: 5 yes; 0 no; 0 abstain 0 absent. Motion carried.**

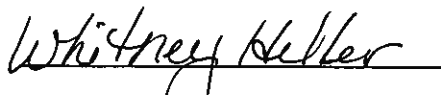
Stefan Fodor will be on vacation from the 21st until 2nd of January 2008

- ❖ **Update Leon Lkjellgren:** Greys River Rd, there are 5 homes with basements and gravity issues. We owe them the option a special meeting with 2 council members and property owners and to allow potential line. If they do not want to then it will tie in at their cost. I would like a committee January 3rd (Beau Taylor volunteers) and Terra Miller will call property owners for a formal meeting January 3rd at 2:00 p.m.
- ❖ **James Philips: (Police)** request from council to give old radios to fire department. Shirley brown motions .Don Jorgensen seconded **VOTE: 5 yes; 0 no; 0 abstain; 0 absent. Motion carried.**
- ❖ **Unpaid Bills** Don Jorgensen motions to pay bills. Shirley Brown seconded. **VOTE: 5 yes; 0 no; 0 abstain 0 absent. Motion carried.**
- ❖ Shirley Brown motions to adjourn meeting. D on Jorgensen seconded **VOTE: 5 yes; 0 no; 0 abstain; 0 absent. Motion carried. Meeting adjourned at 11.20 p.m.**



Victoria DeCora, Mayor

ATTEST:


Whitney Heller, Clerk

