



**TOWN OF ALPINE
COUNCIL MINUTES
APRIL 18TH, 2006**

(clerk's note: Tape # 1 of 1 starts here. Minutes are a summary only of a tape-recorded meeting.)

Mayor David Lloyd called the meeting to order at 7:05 p.m. and held the pledge of allegiance. A quorum was established by the clerk through a roll call.

Council members present: D.R. Hutchinson, Shirley Brown, Don Jorgensen, and Steve Fusco. Mayor David Lloyd present as well. Others present: see attached list.

A. ACTION ITEMS AND NEW BUSINESS:

Mayor Lloyd began the meeting by stating the meeting should convene by 9:00 p.m.; he went over the rules of order for speaking if someone isn't on the council's agenda.

- **COUNCIL MINUTES:** The April 4th, 2006 Minutes are **TABLED** until the Treasurer's return for clarification. Mayor Lloyd called for a motion to approve the Special Workshop Minutes for North Alpine dated April 10th, 2006. **D.R. Hutchinson so moved. Don Jorgensen seconded. VOTE: 5- Yes; 0- No; 0- Abstain; 0-Absent**
- **Planning & Zoning Minutes March 28th, 2006:** Mayor Lloyd called for any questions regarding the minutes to which none were received. Mayor Lloyd called for a motion to approve the minutes. **Don Jorgensen so moved. Steve Fusco seconded. VOTE: 5- Yes; 0- No; 0- Abstain; 0- Absent**
- **FOLLOW UP FROM APRIL 10TH, 2006 MEETING – NORTH ALPINE WORKSHOP ANNEXATION:** As a follow up to the April 10th, 2006 meeting, it appears everyone at the meeting was in favor of annexation according to Mayor Lloyd. After a summary from the Town's legal counsel, Carter Wilkinson, Mayor Lloyd asked for a motion from the council to begin annexation starting with the Alpine Meadows Project and the Snake River Junction Project (Alpine Development Group).

Carter Wilkinson, Attorney: Mr. Wilkinson advised any land which is annexed must be contiguous to the existing Town of Alpine; rivers are considered a natural land barrier and, therefore, rivers are exempt. To annex additional properties beyond Alpine Meadows and the Alpine Development Group requires these two properties to annex first to meet the "contiguous" requirement for annexation in the Wyoming State Statutes. If the municipality initiates the annexation process a hearing has to take place regarding the properties, a resolution has to be filed indicating the properties are contiguous, and they meet all other statute criteria. A public hearing must be held sometime between 30 -180 days following the resolution. After the public hearing is held and the properties are found to meet all statute criteria, an ordinance must be passed annexing the properties. This public hearing could be held as soon as 30 days following the passage of the resolution certifying the properties' compliance with the statutes. Overall, a total of 5- Public hearings should occur if the municipality initiates annexation:

1st Public Hearing	For Resolution
2nd Public Hearing	To Determine if Annexation Proposal meets state statutes
3rd Public Hearing	First Reading of Annexation Ordinance
4th Public Hearing	Second Reading of Annexation Ordinance
5th Public Hearing	Third Reading of Annexation Ordinance

As soon as these properties are annexed, additional outlying owners can proceed with annexation. The same process is repeated for any additional annexations. The two properties for annexation initially will be the Alpine Meadows and the Snake River Junction projects. These two projects can follow the same time-line for annexation, however, the

petitions, certifications, resolutions, etc. should be separate. The public hearings for the properties do not have to be under separate meetings for each property. Groups of properties can be on the same time-line.

Bryant Brown, local resident: Mr. Brown inquired whether the annexation process will differ if the developer(s) or the municipality initiates annexation. Carter Wilkinson advised the time line really doesn't change. If a land owner files an annexation petition with the municipality, the town must certify the petition, it must also prove it meets state statute requirements, a public hearing must be held within 30-180 days, and an ordinance must be created. The benefit to the town initiating the annexation rather than the land owner is the Town controls the timeline rather than the land owner.

Steve Fusco, council: Steve Fusco read Wyoming State Statute 15-1-401 which covers properties within ½ mile within the corporate limits of the city which the city can exercise its authority. **Carter Wilkinson, Town's deputy attorney,** advises this statute is a different statute which covers if the mayor is exercising his authority within ½ mile of the Town's boundary. Wyoming State Statute 15-1-402 is the statute which states what must be included in an annexation petition which is certified by the Town clerk whether the land owners make application or if the municipality initiates the annexation petition. A map and legal description is required for any type of annexation to certify the land is contiguous to the municipality. As of today, for example, Mr. Clarence Reinhardt's property is not considered contiguous to the Town of Alpine until the Alpine Development Group and Alpine Meadows is annexed first. Streets, roads, and rivers are exempt barriers to "contiguous" requirements for annexation. The clerk offered annexation statutes are available at the Alpine Town Hall.

Mayor Lloyd called for the council to begin the annexation process. **Steve Fusco motioned to start the annexation process on the Alpine Meadows and Alpine Development Group. Don Jorgensen seconded. Mayor called for any further discussion. The clerk asked for clarification whether the Town or the developers would file the petition to which Steve Fusco indicated it would be the Town initiating the annexation petition. VOTE: 5- Yes; 0- No; 0- Absent; 0- Abstain**

Carter Wilkinson will be responsible for starting the annexation process.

- **246 RESOLUTION NO. 2-04-18-2006- WASTEWATER – NORTH STAR UTILITY:**

David Lloyd, Mayor: Mayor Lloyd advised for anyone on the council or in the audience who doubted his integrity, sincerity or diligence in working with the Game & Fish in regard to negotiating a new lease for the sewer plant, at 3:48 p.m. today {4-18-06} he received a faxed letter from John Kennedy from the Game and Fish Department. Mayor Lloyd read the letter dated April 18th, 2006 into the record (see attached letter). This letter provides written approval the Wyoming Game and Fish Department and USFWS are comfortable with the Town of Alpine moving forward with the proposed expansion of the facility on the 17 acres.

Steve Fusco, Council: Steve Fusco obtained the original contract/ lease signed by former Mayor Donn Wooden with the Game & Fish for the 17 acres for the sewer plant. Donn Wooden thought the 5-year lease was to be longer according to Mr. Fusco. The "Special Use Permit Application and Authorization" dated November 19th, 1992 was read by Mr. Fusco; on page two, section # 7 discusses the term of the application/ authorization will be for 5 years with the right to renew for an additional 5 years. The Town was to apply and secure any necessary state and federal permit(s), license(s) and clearances needed to construct and operate a waste treatment facility. Section # 8 was also read by Mr. Fusco as follows: "The Commission agrees to issue a formal SPECIAL USE PERMIT upon such time as the APPLICANT successfully secures the necessary clearances needed to construct and operate a waste treatment facility. Said final grant shall be for a period of fifty (50) years, with the right to renew for an additional fifty (50) years. Mr. Fusco feels the terms from this old lease should be used to negotiate the renewal of this lease. Mayor Lloyd advised Mr. John Kennedy, Wyoming Game & Fish, reports there was never another lease signed after this version, therefore, this lease is null and void due to the Game & Fish as well as the Town not following through on creating a subsequent lease. The Game & Fish currently is willing to renegotiate a long-term lease/ special use permit for the 17 acres.

Donn Wooden, local resident/ former mayor: Mr. Wooden doesn't see what the argument is and recommends the Town proceeding with a 50 year lease on the property. Mr. Wooden disagrees the lease from 1992 is null and void and encouraged the Town to have an attorney review it on their behalf; he feels the 1992 lease is for 50 years commitment once the Town completed its obligation, which it did in his opinion. According to Donn Wooden the 36 acres purchased from the Game & Fish has a clause in which the Town cannot sell the property for 20 years; the land may be leased. He encouraged the Town to review the deed to the 36 acre property. He expressed confusion why the Game & Fish would hold off selling the 17 acre parcel to the town. Donn Wooden advised he doesn't see anything wrong with Mr. Fusco asking for this same verbiage/terms to be included. Mayor Lloyd reports the new lease will most likely be renegotiated with the old terms but the Town will pay a higher lease price for the land. Steve Fusco advised he is trying to avoid extra lease costs by asking the Game & Fish to honor the 1992 lease terms as the Town did build a wastewater treatment facility and made it operational. According to Mr. Fusco, the billing of taxes to the Town from the Game & Fish Dept. was never completed. Again, the original lease terms (which are very favorable for the town) should be utilized according to Steve Fusco as both parties were at fault instead of accepting an inflated lease price under new terms. Mayor Lloyd agreed with Mr. Fusco and asked Carter Wilkinson to negotiate the same terms for the new lease.

John Bowers, legal counsel for Clarence Reinhardt: Mr. Bowers cautioned the council and mayor that the Attorney General's (AG's) involvement with negotiating the lease may cause the negotiation process to "drag on forever." Mr. Bowers advises his own clients to avoid a "fight" with the AG's office due to length and legal expense. Mayor Lloyd reiterated the sale of the 17 acres would have to go up for public bid according to the Game & Fish Department. If the U.S. Fish & Wildlife association with this 17 acres is removed, the AG's office has indicated there is a way for the Game & Fish to sell the property to the Town without a bid process. The Town is trying to answer their offer for the lease which is being proposed with a 50 year lease based on an appraised value of \$90,000.00 (1992 value of the land). Mr. Lloyd originally asked for a 99 year lease, based on \$90,000.00 value of the land which equals to approximately \$1,000.00/ year for the lease and is going to reject this offer and push for a 99 year lease.

Carter Wilkinson, Town of Alpine deputy attorney: Mr. Wilkinson agreed with Mr. Bower's statements; moreover, he believes the AG's office has more time, a lot more money, and a lot less interest regarding this matter being resolved quickly. Mr. Wilkinson advises the lease agreement is less extensive than the original lease and the Game & Fish seems willing to consider a 99 year lease. The Game & Fish's offering initially of a 50 year lease may be their standard lease period. He disagrees with trying to use the old lease terms and encouraged the Town to seek a new lease for 99 years or a 50 year lease for ½ the price.

Mayor Lloyd read 246 Resolution No. 2-04-18-2006 in its entirety (see attached) and opened the meeting for further discussion.

John Bowers, legal counsel for Clarence Reinhardt, Dottie Reinhardt, and Gay Edwards: Mr. Bowers inquired whether the term in the resolution "north side developers" includes his client as they have expressed interest in sewer services and annexation. Mr. Lloyd advised it does cover his clients.

Bryant Brown, local resident: Mr. Brown questioned Carter Wilkinson whether the resolution presented tonight can be acted upon without prior notice to the public. Carter Wilkinson advised a resolution only requires one approved reading before it passes where an ordinance requires three readings. Bryant Brown questioned who created the document to which Carter Wilkinson advised he created the document following a meeting this morning {4-18-06} and using other points of discussion regarding the matter. Mr. Brown's stated his specific concern relates to the section which reads, "WHEREAS the Town of Alpine desires to assist North Star in its design and construction of both the interim and permanent wastewater treatment plant." Carter Wilkinson advised the intent of this statement is to strive for a cooperative partnership and not a one way street, moreover, a joint effort will occur between the utility and the Town as well as a wastewater treatment plant agreement to be negotiated with the Town and the utility in the future. This agreement will set forth the engineering specifics, design requirements, etc. Mayor Lloyd advised this resolution actually wasn't completed just today and was derived from the April 10th, 2006 meeting and the content of the resolution added from letters sent back and forth between the utility company, the Town's attorney, and the Town's Engineer. Mr. Brown also quoted from the resolution the provision in which the mayor, alone, is authorized to execute all documents, license, permits, etc. on behalf of the council. Mr. Brown feels the agreements with the utility are significant enough to warrant

both the mayor and council's active involvement. Mayor Lloyd advised that anything he has the authority to sign must be passed by and approved by the council prior to his signature. Mr. Brown felt his concerns were sufficiently answered.

Dave Lloyd, Mayor: Mayor Lloyd advised Leon Kjellgren, Nelson Engineering, has been highly involved with discussions regarding wastewater issues with North Star Utility since the beginning of the feasibility study.

Leon Kjellgren, Nelson Engineering: Mr. Kjellgren advised the resolution before the council tonight is very different than the terms originally proposed through written letters and verbal contact with the utility over the past week. Mr. Kjellgren advised the council to approve this resolution, as is, tonight. Regarding the Town assisting North Star Utility with an interim plant, Mr. Kjellgren reports the interim plant is not the Town's problem and the utility company will be totally responsible for the design and construction of the interim/ "bridge" plant. Mr. Halpin has given the Town the opportunity to operate the plant or not; this decision will be made later. If the Town is successful in securing loans and grants for the permanent wastewater plant, North Star Utility is not going to have anything to do with design and construction other than to pay their fair share of hook-up fees they will utilize. The \$1.8 million dollar figure approximated in this resolution cannot be finalized until the actual terms of the grants and loans are determined.

(clerk's note: Tape # 1, Side B)

North Star Utility will pre-purchase hook-ups and they are entitled to these hook-ups, according to Mr. Kjellgren. Although the resolution is not perfect, it is very good according to Mr. Kjellgren. By joining forces with the north side of the river and having a larger capacity plant, the less each hook-up will have to pay in the long run. The financial plan created for the new plant indicates the people on the south side of the river will pay \$5,000.00 hook-up fees and monthly sewer user fees will be approximately \$36.00 - \$44.00/ E.R.U. for operation costs. If the north side of the river is not involved, the hook-up fees will increase to \$7,000.00 and monthly user fees will be approximately as high as \$84.00 per each residential unit. Mr. Kjellgren feels a \$7,000.00 hook-up fee is beyond the means of many residents. Having both a north side and south side wastewater plants doesn't do the Town any good. Sewer hook-up and monthly fees have to be kept low in order to pay the bills on the system, service the debt, etc. By banding together costs will be kept low.

Shirley Brown, council: Mrs. Brown inquired if the north side doesn't participate whether the permanent plant would be sized the same to which Mr. Kjellgren replied the plant required would be approximately ½ the proposed capacity, however, with less people to spread the fixed costs of the system to all users the price would go up for town users. The additional costs if the north alpine area doesn't participate would add another \$1,800.00 to the sewer hook-up fee; this fee is only the hook-up fee for the wastewater treatment plant. With the expansion of the Town's sewer collection fee, an additional hook-up fee will be assessed to those residents in the current town on unsewered lots. It is very clear - separately the town will pay enormous prices and collectively it will lower the cost to everyone.

Bryant Brown, local resident: Mr. Brown questioned the February 1st, 2007 deadline in the resolution which states that if the Town does not proceed with the construction of its own expanded, permanent plant, then North Star Utility will be allowed to proceed with cooperatively designing with the Town of Alpine in the construction of a permanent substitute plant on the south side of the river with the capacity to handle the projected treatment of wastewater from the north side only. He questioned why the urgency for this date rather than a 3 year opportunity for the Town to seek funding. Mr. Kjellgren advised that by February 1st, 2007 the Town will know its success with the State Loan and Investment Board (SLIB) whether their grants and loans were successful. Some indication will be given on June 22nd, 2006 from the board. Mr. Kjellgren feels they may not fund all the loans and grants in one year because it uses the pool of money for the entire state for one small community. The money would be dispersed over a biennium. If the Town's SLIB Grant is approved another concern noted by Mr. Kjellgren may be a new SLIB board to contend with in 2007. Following the 2006 election process, a new governor, secretary of state, treasurer, etc. (SLIB Board members) will meet in January 2007 to reaffirm this project and whether the funding will continue. Mr. Kjellgren states he is comfortable with this date being included in the resolution.

Steve Fusco, council: Mr. Fusco expressed concern the SLIB may look at this resolution unfavorably as an interim plant is being built by the developer—why should they fund another plant? Mr. Kjellgren advised the Town of

Alpine will not get a sewer treatment plant if the project “goes down the tubes”—North Star will get one. The interim bridge plant is only for North Star Utility's use. If the loans and grants are not approved it does not affect North Star Utility as they have enough money to pay their portions of the bills according to Leon Kjellgren. The loan and grant applications are only for the Town's portion of the new plant and they have been structured very carefully in that regard. The State of Wyoming will not fund a portion of a treatment plant which benefits private developers or existing individual such as Mr. Reinhardt unless he makes an application under the Business Ready Grant Program. The SLIB deals with municipalities. Mr. Kjellgren advises the resolution simply states that if the Town cannot construct a new, permanent plant they will do it on their own to create a facility for their use only based on their design, not the Town's design. The Town will still be in trouble if the north side doesn't participate as their current sewer issues will not be resolved. Mr. Kjellgren doubts the design of the facility will be the same in regard to operation and maintenance the Town plans for the permanent facility simply because the Town is more sympathetic.

Bryant Brown, local resident: Mr. Brown again reiterated a window of possibly three (3) years should be changed within the resolution rather than this February 1st, 2007 deadline unless there is some compelling reason to the contrary to not allow the Town more time to seek funding. Mr. Kjellgren advised North Star Utility doesn't intend to allow the interim/ “bridge” plant to be a permanent structure obviously; he assumes the utility company has a “drop dead date” as to whether they can wait any longer for the Town of Alpine.

Kathy Ellsworth, North Star Utility: Ms. Ellsworth concurs with Leon Kjellgren's statements. The February 1st, 2007 deadline in no way curtails the Town's ability to move forward with a new plant according to Ms. Ellsworth. The town may take 2-4 years to pursue loan and grant options. This resolution simply states that if the Town is not in the position to move forward with North Star together then North Star would like an opportunity to build a permanent plant for its customers for the north side.

Carter Wilkinson, T.O.A. attorney: The three year suggested timeline for the Town doesn't seem to fit the Town's current sewer needs; the need is immediate.

Teresa Musetti, local resident: Ms. Musetti questioned who would own the bridge, sewer treatment plant if the Town doesn't receive the funding to which Mr. Kjellgren advised Mr. Halpin would own the “bridge” plant. She questioned whether the Town would be able to use this bridge facility. According to Mr. Kjellgren the issue of the Town using the interim, bridge plant hasn't been decided. Mr. Kjellgren cautioned the Town for using the interim facility as they will have to pay the utility company back for the usage or extra capacity. On the other hand, there are some advantages to the town using this interim plant. The Town will not do anything to jeopardize its discharge permit with the EPA according to Mr. Kjellgren. Ms. Musetti questioned when the annexation would be completed. Mr. Fusco feels the annexation should go in hand-in-hand with water and sewer services as it is a negotiating point.

Kathy Ellsworth, North Star Utility: Steve Fusco questioned whether a wastewater plant being located on the north side of the river and whether that is still an option for the utility. Ms. Ellsworth advised in the interest of the greater Alpine community (both the Town and Lincoln County), North Star Utility is interested in building a common facility due to the economy of scale. If it came to that, North Star Utility would build on the north side of the river, however, a unified, common sewer plant makes the most sense. The interim plant is only necessary to “bridge” the capacity needed for the north side of the river from now to sometime in the spring of 2008 when the new permanent plant would come on-line. At this time, at the request of the Town, the interim, bridge plant would be removed and any useful parts and apparatus left behind for the new plant's use. The current plan outlined in this resolution as well as in the SLIB grant and loans is to cooperatively build one new plant to service both the north and south sides of the river.

John Bowers, Reinhardt legal counsel: Mr. Bowers advised there are three areas the SLIB Board will look into during the grant/ loan approval process: 1) the need of the municipality for the plant which has been clearly identified by Mr. Kjellgren, 2) what are the available resources of the municipality, and 3) what does the proposal contain for future development and expansion. In his opinion this proposed resolution with North Star Utility addresses all three areas. The rest of the state knows about Alpine's growth. By adopting this resolution the Town is going prepared to the SLIB meeting and without the passing of this resolution the Town is unprepared to meet the SLIB requirement for expansion or growth. They do not want the Town coming back in 5 years wanting more money.

Bryant Brown, local resident: Mr. Brown commends the council and mayor for their movement toward annexation and their favorable move for control over the 17 acres. However, he would like to see the lease agreement finalized for the property. Mayor Lloyd advised the lease agreement would be finalized within two months time.

Don Wooden, local resident- former mayor: He feels a resolution has to be passed to resolve the situation and he feels the commitment on both sides is necessary. In order to move forward as a community everyone must work together and this "one up-manship" should stop which is still visible. He is concerned the resolution calls for a resolve by February 1st, 2006. Mr. Wooden expressed concern at what point will the Town lose control over what the Town does have if they can't meet this deadline; will the town resort to purchasing sewer services from North Star Utility? The momentum must proceed with mutual respect and power; a creation of a joint powers board is also an idea to not become "beholden" to the north side of the river. He fears the day the Town must purchase its own sewer services from a private utility company.

Mr. Wooden questioned what will happen to the existing Town of Alpine sewer users when the proposed new plant is on-line. Mr. Wooden questioned whether the existing sewer users will have to pay \$5,000.00 in hook-up fees. Mr. Kjellgren advised the current users will not have to pay this hook-up fee as they have already been charged an assessment fee, and, therefore, would be grandfathered. The existing, sewer, T.O.A. customers will have to pay the same monthly user fees for this new plant as everyone else. However, Mr. Kjellgren expressed concern in regard to sewer residents located within the current Town's special improvement sewer district who have chosen not to get a sewer hook-up. Mr. Kjellgren doesn't want to see people purchasing new sewer hook-ups at a current price of \$900.00 a piece to be used at their own discretion in the next 10 years. This will not work. There is no question, according to Mr. Kjellgren, the monthly user fees will increase as these fees pay for the operation and maintenance of the system. Everyone else outside the sewer improvement district will have to pay the \$5,000.00 hook-up fee. Don Wooden questioned what will happen to the Town's existing plant. Mr. Kjellgren feels portions of the plant can be utilized for "flow equalization" in which storage is provided by the existing plant in order to provide a constant, uniform flow going into the new plant and/or it will be used for septic use for the county and Alpine. This will generate more money for the Town of Alpine. Mr. Wooden expressed urgency for the Town of Alpine to secure the new lease with the Game & Fish for the 17 acres. The control must rest with the Town and the annexation is paramount to the success of the community according to Mr. Wooden.

Steve Fusco, Council: Mr. Fusco expressed concerns the T.O.A. discharge permit is a highly valuable item and the Town is somehow possibly negotiating this commodity away. Mr. Kjellgren advised there will be nothing done under this arrangement to jeopardize the Town's discharge permit; North Star Utility will be operating under the same requirements as the Town. It is not in their interests as a utility to violate the discharge permit as they would pay a \$25,000.00/ day fine either with the EPA. The engineers have designed operational oversights to ensure compliance with all permits. The discharge permit will need to be altered and upgraded from 90,000 gallons per day for the additional effluent produced by North Star Utility; the utility will pay the expense for the permit to be upgraded. The discharge permit will again be altered when the new permanent plant comes on-line. Steve Fusco questioned North Star Utility as to the number of users on-line in the first year with their company. Chris Hawkes advised approximately 7 units/ homes would be on-line in the spring of 2007, according to Mr. Fusco. Kathy Ellsworth reports she doesn't know the discharge estimate needed for treatment in the spring of 2007. However, North Star Utility has committed to its purchasers that it will provide the ability to have a sewer system by the end of 2006. North Star Utility has committed services to the Alpine Meadows Project and the Flying Saddle Lodge. North Star Utility is also discussing expansion of their service district to possibly serve the Snake River Junction Project (Alpine Development Group/ Damien Mavis), Clarence Reinhardt, and some other developers. Their current focus for the utility, however, is to determine the capacity needed for the interim plant which requires all the developers providing their estimated demand for the interim plant.

Shirley Brown, council: Ms. Brown inquired why tonight's resolution is being rushed and whether the sale of the lots in Alpine Meadows is a factor. Ms. Ellsworth advised it feels like it is being rushed, however, the utility has been having discussions with the Town for at least one year and even longer. In July 2005 a proposed sewer agreement was presented to the Town. For the utility it isn't being rushed and the utility has made a commitment to buyers to provide

service this fall or late winter. Ms. Brown feels the sewer facilities should have been in place before the lots were sold guaranteeing services.

Bryant Brown, local resident: Mr. Brown feels the discharge permit offers value by saving time for the developer alone, therefore, he requests North Star Utility to recognize this value by setting aside additional capacity in the bridge plant for the Town's use.

Mayor Lloyd called for any further comments from the council and public to which none was received. He called for a motion to approve the resolution. **Don Jorgensen motioned to approve 246-Resolution No. 2-04-18-2006 a resolution regarding construction of interim wastewater treatment plant and permanent wastewater treatment plant. D.R. Hutchinson seconded. Mayor Lloyd called for any further discussion.** Steve Fusco expressed again the value of the discharge permit to the developer and he feels concessions should be made by the developer as Mr. Brown stated for extra capacity for the Town's use. He does understand the need for the resolution. Mr. Jorgensen expressed the developer will be paying for the expansion of the discharge permit. Again, Mr. Fusco questioned whether the Town could use the bridge plant.

Kathy Ellsworth, North Star Utility: Kathy Ellsworth advised the interim plant would be used for the north side developers who have expressed a desire to participate with North Star Utility. Ms. Ellsworth stated, "At this time we left it open in the resolution there is a specific provision in there that says within 60 days of the resolution passing this issue of whether or not there might be an ability for there to be capacity in the interim plant for the Town will be addressed." Shirley Brown expressed concern the Town's interest isn't properly covered by this section in the resolution due to the fact additional capacity may be needed before the permanent plant comes on-line in 2008 and the Town only has a 60 day window to decide. She is concerned the discharge permit could be compromised if the Town's sewerage increases. Kathy Ellsworth believes the Town's current capacity and discharge needs are best covered by the Town's Engineer not herself. However, she does feel the issue whether the discharge permit is at full capacity or whether the capacity of the treatment plant is at capacity are two different issues and are scaled differently. The discharge permit needs to be increased to allow for additional effluent allowed by the current discharge permit; North Star Utility is prepared to take the lead on this issue as far as permitting, costs, etc.

Leon Kjellgren, Nelson Engineering: A discharge permit, for clarification purposes, regulates constituents that can be discharged to the Palisades Reservoir as far as pollutants and it also regulates the maximum amount of flow the Town can discharge according to Leon Kjellgren. North Star Utility, at their expense, will revise the discharge permit to allow this extra flow from their bridge plant. The size of the plant doesn't matter; the discharge permit cannot exceed the limits. North Star Utility will first determine the demand for capacity in the bridge plant with their potential users on the north side and determine if there is any capacity left for the Town's use, according to Mr. Kjellgren. The resolution did provide for this and this was the best scenario the Town could glean from the negotiations according to Mr. Kjellgren. This situation regarding the Town using the bridge plant will be resolved prior to the formal agreement being submitted to the council for approval, according to Mr. Kjellgren; he asked for the utility to advise if he misunderstood this from the meeting held today.

(clerk's note: Tape # 2 – Side A)

Kathy Ellsworth, North Star Utility: In response to Mr. Kjellgren's statement Ms. Ellsworth stated, "Whether or not the issue of the capacity of the bridge plant and whether or not there would be availability in there for the town to have some sort of capacity over flow available will in fact be resolved to the satisfaction of the Town and North Star prior to the execution of the final agreement that will summarize and incorporate all the terms that we're talking about tonight and that are outlined in the resolution." The mayor called for further discussion.

Steve Fusco, council: Again, he expressed the fact for North Star Utility to obtain a discharge permit will require considerable time and money, therefore, the Town's discharge permit is very valuable and is a prized possession and a good "bargaining chip" for the Town. He understands the permit must be upgraded. He feels this resolution for sewer services and annexation are tied together.

Mayor called for any further comment and he advised a motion and second had been made. Mayor Lloyd called the VOTE: 3- Yes (Mayor Lloyd swing vote; D.R. Hutchinson; Don Jorgensen); 2- No (Shirley Brown; Steve Fusco); 0- Abstain; 0- Absent.

Mayor Lloyd recessed the meeting at 8:40 p.m. and reconvened at 8:50 p.m.

Steve Fusco, council: Mr. Fusco advised he's expressed concern in the past as to having no time to review information, for example, tonight's resolution. **Steve Fusco motioned that no resolution or ordinance be brought before the council unless the council has at least one week prior to review.** Steve Fusco stated the council sat down tonight with the resolution put before them which isn't fair to the council or residents that the council passes things hastily. Shirley Brown agreed with Steve Fusco and feels this adds to a longer meeting than necessary advised she needs more time outside of the council meetings to ask questions. **Shirley Brown seconded.** Mayor Lloyd agreed with the motion, however, added the contents of the resolution have been discussed since April 10th, 2006. Both Leon Kjellgren and the mayor felt rushed during the creation of this resolution. Mayor Lloyd questioned whether the motion includes a resolution for this policy. Carter Wilkinson advised the policy regarding resolutions in general can be contained in a resolution rather than an ordinance. **Steve Fusco amended his motion to include a resolution being drawn up in regard to resolution policies to be presented to the council.** Steve Fusco advised parts of the current resolution with North Star Utility were discussed prior but the discharge permit was not. Every resolution or ordinance must be given to the council one week prior to the council meeting according to Steve Fusco. He feels any amendments to the resolution should take place in the council meeting. Carter Wilkinson advised he would ask the Town to create a policy in which draft resolutions or ordinances are filed in the clerk's office one week prior to the council meetings. Carter Wilkinson asked for clarification for the process regarding resolutions and whether the Town wants a 3-4 week process for a resolution. Mr. Wilkinson again questioned when the Town's legal counsel would review changes to a resolution if changes are made to the draft. D.R. Hutchinson feels receiving resolutions by the Friday before a council meeting is o.k. as long as the town's contracted staff has reviewed and approved the document.

Will Jenkinson, local resident: Agreed with the clerk that tonight the topic of resolution policy should be a workshop item and discussed at a later time. The mayor also agreed with Mr. Jenkinson.

Steve Fusco advised he would not rescind his motion. The clerk asked for the motion to be restated for the record. **Steve Fusco motioned that all resolutions be at the clerk's office at least one week prior to a council meeting for the council to read and that a resolution be drafted to make this binding.** The Mayor asked that Mr. Fusco include in his motion that the council has the ability to make changes to draft resolutions and passed in the same night with said changes. **Steve Fusco advised he doesn't feel this should be part of his motion.** **Mayor Lloyd called for further discussion.** Don Jorgensen agrees with Steve Fusco the council should receive information on time, however, the motion should be changed to include the fact the council can make changes. **Again, Steve Fusco advised he doesn't feel this addition needs to be included in his motion.** Carter Wilkinson advised this language should be included in the draft resolution regarding resolution policy and his motion can stand as is. Mayor called the vote. **VOTE: 5- Yes; 0- No; 0-Abstain; 0 Absent**

D.R. Hutchinson feels any resolution should be subject to the final resolution being approved by the Town's legal counsel.

- **245 RESOLUTION NO. 1-04-18-2006-** ADOPTION OF FINAL PLAT OF THE LAKEVIEW ESTATES 14TH ADDITION (Patsy Ohanesian – REP-01-06- Council unanimously approved final plat at last council meeting). Mayor read the resolution through the title and first two paragraphs. **Steve Fusco motioned to approve 245-Resolution No. 1-04-18-2006.** **Don Jorgensen seconded.** **VOTE: 5- Yes; 0- No; 0- Abstain; 0- Absent**
- **MUNICIPAL ELECTIONS 2006:** Clerk will be publishing legal notice on May 4th, 2006 and May 11th, 2006 in regard to seats open for 2006 election process which are: David H. Lloyd, Mayor; D.R. Hutchinson, Council; and Shirley Brown, Council. All seats open are for four (4) year terms beginning January 1st, 2007 to December 31st, 2010. Anyone interested must fill out and return an "Application for Nomination" with the Town Clerk between May 18th, 2006 and June 2nd, 2006 by 5:00 p.m. A \$25.00 fee is assessed for the filing.

B. DEPARTMENT UPDATES:

- **STREETS & ROADS:** Steve Fusco expressed concern for the condition of the streets and roads this spring in regard to potholes. The mayor and council agreed the roads have to be addressed; a meeting will be held with Jim Sandner, the treasurer, Val Jensen, and the mayor to discuss a road maintenance contract.
- **SEWER DEPARTMENT:**
 - 1) April 12, 2006 Letter from Tim Tennyson and Remy Levy- feedback from April 10th, 2006 North Alpine Utility Infrastructure Workshop
 - 2) NORTH STAR UTILITY: Three letters mailed to the council prior: April 14th, 2006 – “Updated Proposal from North Star Utility for Wastewater Treatment and Discharge”; April 12th, 2006 – “Wastewater Treatment and Discharge Proposal from North Star Utility”; April 13th, 2006- “North Alpine Potable Water Issues”.
 - 3) Letter dated 4-18-06 from Bryant Brown, local resident: concerns over April 14th, 2006 letter from North Star Utility
 - 4) Establishing an influent flow metering test on the current wastewater treatment plant - Lee Schwab and Leon Kjellgren will discuss the best approach for this test. This test will determine the true capacity the current plant is dealing with.
- **WATER DEPARTMENT:**
- **PARKS & RECREATION DEPARTMENT:** Steve Fusco wants to obtain a sign for the climbing wall which states “use at your own risk” and he wants to have a key to open the wall on Saturdays for use by the public. The council and mayor agreed the Local Government Liability Pool will need to be contacted before the sign is placed on site.
- **PLANNING & ZONING DEPARTMENT:**
- **POLICE DEPARTMENT/COURT:**
- **PERSONNEL/ ADMINISTRATIVE:**
- **TREASURER/ CLERK:** Grants Summary to the Town Council from the Clerk – dated 4-18-2006; the clerk reviewed the following document for the Town of Alpine Council regarding grants in general:

(clerk's note: Tape #2 of 2 – Side B)

“GRANTS, MASTER PLAN, AND PRIORITIZING

*Summary to Town Council
Prepared by Tracy Matthews
April 18th, 2006*

The Town is at exciting cross-roads for future development. Working together as a collaborative system of community residents, and administrative, elected, appointed, and contracted staff will prove crucial to our success as a community. I have prepared a summary for the Town council as to my thoughts as your clerk. I look forward to working with each and every one of you to make Alpine the best community it can be.

A. GRANTS IN GENERAL/ Who's Responsible? *I have received feedback that “Why isn't Tracy writing grants? Or why aren't we getting money like Thayne?” The bottom line is I don't feel comfortable until the master plan is complete, the governing body has defined its priorities, and the fiscal budget allows for cash matching. I have voiced this concern often only as a means of being responsible to the public. The responsibility for grants starts with the governing body prioritizing projects, ensuring money is available for matching grant requirements through the Town's budgeting process, and that projects fit the community's vision (master plan). The following information I received from Mary Crosby, LUAG:*

- *Wyoming Statute 15-1-103 “General Powers of Governing Bodies” - see section xlii (attachment A)*
- *April 17th, 2006 E-Mail from Mary Crosby – LUAG (attachment B) regarding explanation of roles: Governing Body is responsible for strategic planning (setting priorities) and the staff's is practical, tactical, functional, day-to-day requirements for grants such as writing and managing grants.*

Concept of "Free Money": Often times I hear the board state grants are "free money" when in fact they are not. The Town must follow the grant and spend the money exactly as the grant provides (see history section below). The Town is usually obligated to do the following for grants:

a) Matching Money: Most grants require a cash match and some grants allow "in-kind" matches, for example, the Town's engineer may donate a portion of his wage on a grant for free. This can be used as an "in-kind" match for grants if allowed in the grant application rather than cash.

EXAMPLE: Current SLIB grant application for the wastewater and collection system required the Town take out a loan for its cash match as the Town did not have enough money in its budget for the grant. One grant required a 25% cash match and the other 50%. Most grants are like this and on the rare occasion you may find a grant with no cash match. Grants like the Business Ready Communities Grant (which has a cash match of 5%-10%) are incredible opportunities; therefore, I contacted Ray Sarcletti to explain this grant directly. Don't miss out on this funding source. Again, I cannot move forward on this Business Ready Communities Grant until the governing body has settled on a project such as Damien Mavis.

Concerns: Currently, the Town's staff is left with the responsibility of determining priorities. What money has the governing body identified for matching funds for grants within their budget? Each year I have requested a priority list by department which I haven't received. I do not feel comfortable obligating the Town to grants based on my priorities as the clerk only and not knowing if the Town has cash set aside for grants within their budget. Currently, I feel comfortable writing grants for the Confluence Center and finishing the Child Development Center as these are clearly the public's wishes and your board's. According to the Treasurer, Brenda Bennett, the Town has no excess funds (matching money) to seek grants at this time and hasn't had for some time. Has the governing body determined the cash available for matches in the new fiscal year? What will be the Town's priorities?

B. TOWN'S GRANT HISTORY: For those newly elected officials, let me take a moment to recap the Town's grant history (see attachment C). I feel this summary is still pertinent to us in 2006. I provided this summary to Karen Perry's administration and again during Mayor Lloyd's first term. I believe it was also shared with Hutch Hutchinson.

GRANT HISTORY – Town's "Credit History": In 2001 I was hired for the Town as a secretary and grant writer. I found the town to be in default of many grants one of which was a Community Development Block Grant (CDBG). This was a prior administration to Karen Perry and Dave Lloyd who initiated this particular grant. The Town received considerable funds and a private developer was to build up the marina area and employ several people. The Town spent the money and the developer failed to build his project. I and Mayor Lloyd cleaned up this old grant and as a result discussed the idea of creating a "Grants Advisory Board" which creates structure for Town staff and elected officials to over see grant writing, management of funds, etc. This is no one's fault this grant fell through the cracks, however, I as the clerk do not want us to fall back into non-compliance.

CONCERNS: As the clerk I must have your projects prioritized, know they fit the master plan, are passed by resolution, and that cash matches are available within your budget. As a result, I as the Town Clerk, initiated a policy in which any grant for any amount must have a resolution passed by the council to submit any grant. These policies need to be reviewed by your board and an ordinance should be created governing grant applications, grant management, etc.

C. MASTER PLAN: This board has made a considerable commitment both financially and administratively in regard to completing a master plan. As a part of the master plan, Mr. Pedersen will be discussing many of the topics and areas in this summary. The master plan is your road map for future economic development, managing growth, and defining priorities. I feel the elected officials were elected to prioritize goals for the Town with the assistance of, most importantly, residents and also their various

support staff. It is the governing body's responsibility with the staff's support to determine priorities. These priorities will need to be rated and identified whether they are needs or wants when the time comes. The master plan, according to Jim Pedersen, may not contain all of the issues faced by the governing body; therefore, the governing body may need to further define their needs beyond this master plan. A master plan contains both "needs" and "wants" for the future. Mr. Pedersen's cautions us not to think everything can be handled at once.

D. COMPARING "APPLES TO ORANGES": I would caution the council to compare themselves to other communities receiving grants unless we are willing to ask: has the Alpine leadership clearly defined their goals? Have they voiced this direction to their staff? Is their budget the same? I feel Thayne has a vision as to where they are headed and defined this for their staff. The Town's master plan will help the governing body define a written vision for the Town. The Town of Alpine has a very different budget in place than the Town of Thayne. Thayne may have much more cash to obtain grants than Alpine. Thayne doesn't have a police department and can use this money in other portions of their budgets. Does your budget allow for cash matching requirements? Have you identified these within the budget? Are you willing to accrue debt service by using loans for cash matches? These are all questions the governing body must ask themselves. The clerk in Thayne and LUAG have also been valuable resources for me in grant writing. Once the governing body has clearly defined their priorities, I feel it is best to contact these resources knowing what we want first.

E. WHERE DO WE GO FROM HERE?

SUGGESTIONS:

1) **COMPLETE MASTER PLAN:** The governing body should complete the master plan process with Jim Pedersen and staff, set your priorities for projects. The priorities list within the master plan should be reviewed yearly for progress. I feel as the clerk I can help remind your board and schedule on the agenda for review. For example, each January the priorities are reviewed and updated.

2) **SETTING PRIORITIES:** Town staff should be called upon to assist the governing body by listing priorities per department. The priorities list should be tied to each department to better track progress on goals. For example, each council liaison should be responsible for reporting back to the board on priorities established each year for their departments. The staff help the council track their progress on projects.

2) **CREATE FUNDING PLAN:** Create a funding plan to implement these goals which covers all sources of funding: taxes, grants, and loans. This funding plan should have a 1, 5, and 10 year plan for grants. I, in turn, with the assistance of many others can find the resources for grants.

3) **CONTINUE GATHERING GRANT RESOURCES:** Clerk, board, Jim Pedersen, etc. will continue gathering grant information (see attachment D)

4) **FISCAL RESPONSIBILITY:** The governing body should begin dialogue with the accountant and treasurer as to exactly how much money the Town will have within the new budget for required cash matches for grants. Is there any excess? This should be completed after the master plan and priorities are finished. **GRANTS ARE NOT THE ONLY FUNDING SOURCES.**

5) **GRANT RESERVE ACCTS. PER DEPARTMENT:** I ask the governing body to consider starting grant reserve accounts for each department which funnels money away for matching grant requirements.

6) **CREATING WRITTEN GRANT POLICY/ ORDINANCE:** Once the governing body and staff have finished the master plan, I ask the governing body to follow up with a written grants policy/ ordinance. I would be more than willing to assist.

In summary many governing bodies complete their master plan, define priorities, and complete a funding plan for revenues, grants, loans, etc. I am confident we can find grant money to support your goals, but it will also take fiscal responsibility with the money we are given to obtain these grants. Again, I appreciate the ability to discuss these important issues with your board and look forward to supporting your board in the future in any way I can.

Respectfully Submitted, Tracy Matthews, Clerk"

C. ON-GOING BUSINESS/ INFORMATION:

- REPLATTING TERRACE LANE – NEW INFORMATION: April 10th, 2006 Letter from Jackie Shields, Attorney at Law for Shawn Bard- Regarding his request the Town re-plat his lot as quickly as possible without regard to the intent of the other property owners on Terrace Lane. Carter Wilkinson issued a response to this written.

D. INFORMATION DISTRIBUTED TO COUNCIL/ DISCUSSION:

- W.A.M. 4-10-2006 Heads Up Newsletter; April 13th, 2006 – WAM "Heads Up" Newsletter
- Lincoln County Planning & Development Notices: 1) Salvatore A Scaffide, Variance Application- File # 304-PZ -06; William Vogt Conditional Use-Storage Units File # 106-PZ-06; Tony Nardacci Variance Request File # 301-PZ-06; Katrina Hoxie Simple Subdivision Application File # 405-SS-06 (Also distributed to Alpine P&Z Commission)
- INFORMATION FROM SHIRLEY BROWN: Shirley received information regarding a meeting she attended in Cokeville on April 12th, 2006 for the purposes of establishing an Economic Development Association for Lincoln County (see attached Sweetwater Economic Development Association information. Also distributed to Alpine P&Z Commission)
- 2006 LEGISLATIVE UPDATE- LIQUOR LICENSING - Received 3-29-2006
- April 17th, 2006 Letter from Mountain Days Event Chair
- April 18th, 2006 Letter from Berna & Bruce Plott- Adamantly opposed to land swap- Concern Alpine Annexing Halpin

E. FINANCIALS/ UNPAID BILLS: **Mayor Lloyd asked for a motion to pay the unpaid bills. Don Jorgensen motioned to pay the unpaid bills. Steve Fusco seconded. VOTE: 5-Yes; 0- No; 0- Abstain; 0- Absent**

Dave Lloyd, Mayor

Date

ATTEST:

Tracy Matthews, Clerk

Date