



**TOWN OF ALPINE
COUNCIL MINUTES
MAY 2ND, 2006**

(clerk's note: Tape # 1 of 1 starts here. The council 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/ Mayor present: D.R. Hutchinson, Shirley Brown, Don Jorgensen, and Steve Fusco. Mayor David Lloyd present as well.

Staff Present: Don Sherman, P&Z; James Phillips, Chief; Brenda Bennett, Treasurer; and Tracy Matthews, Clerk

Others present: see attached list.

A. ACTION ITEMS AND NEW BUSINESS:

Mayor Lloyd discussed the recent donations of a large American flag and print from World War II donated by Tiny and Gene Quick for display at the Civic Center.

- **COUNCIL MINUTES:** Mayor Lloyd called for a motion to approve the April 4th, 2006 (TABLED) and April 18th, 2006 minutes. **Steve Fusco motioned to approve the April 4th, 2006 Council Minutes. D.R. Hutchinson seconded. Mayor Lloyd called for further discussion. Don Jorgensen seconded. VOTE: 5- Yes; 0- No; 0- Abstain; 0-Absent**

Don Jorgensen motioned to approve the 4-18-06 Council Minutes. D.R. Huthinson seconded. Steve Fusco requested further discussion regarding 246 – Resolution which allows North Star Utility the ability to build an interim and permanent wastewater treatment plant on land the Town leases from the Game & Fish Dept. Mr. Fusco questioned whether the Town is granting the utility the right to operate a sewer plant as a franchise if the Town chooses not to operate a plant themselves. The mayor advised this is correct and the utility has been granted the right to build a limited size, wastewater treatment facility. Mr. Fusco questioned whether the Town knows the size of the plant proposed and the mayor advised the actual size isn't known yet. The mayor estimates the proposed size to be 300,000 gallons/ day capacity. The utility company is gathering the data and the needs of various owners on the north side of the river to determine the size of the plant; the information will be forthcoming soon, according to Mayor Lloyd. The mayor advised Mr. Halpin is considering sizing the plant with an extra 25,000/ a day capacity for the Town's use. Mr. Fusco advised North Star Utility's proposed service district includes everything on the north side of the river with the exception of Rees Subdivision, Ridge Estates, and the cul-de-sac near the Flying Saddle. The district includes all of Old Alpine area, Alpine Meadows, and land north to the Alpine Inn and possibly even further, according to Mr. Fusco.

Mr. Fusco expressed concern that the utility's large service area will be serviced by this treatment facility and no "sunset date" was set for franchising. Reading from page 59 of the "Mayor & Council Handbook," Mr. Fusco read the section titled "Franchises" which states, "The governing body of any city or town can by ordinance grant to any Wyoming Corporation organized for this purpose the right to construct, maintain, and operate a waterworks system within the city (town) limits subject to the control and supervision of the governing body." Franchises cannot be granted for more than 20 years and any contract made with such corporation for water for municipal purposes cannot exceed 10 years. Again, no "sunset date" was established. The mayor advised, however, a wastewater agreement/ contract still must be negotiated. Mr. Fusco advised the franchise agreement, according to page 59 # 4 and # 5 of the mayor/council handbook, must expressly give the city (town) the right to purchase

the waterworks and franchise within 20 years from the franchise date upon reasonable terms agreed to by the parties. Also, no franchise can be granted until the question has been submitted to the voters and approved by a majority of all votes cast at the election (15-7-701 through 15-7-708). Carter Wilkinson questioned whether a wastewater treatment plant is considered a "waterworks franchise." Mr. Fusco stated these issues and ideas should have been reviewed before the resolution was signed/ passed.

Mayor Lloyd called for further discussion. Shirley Brown questioned whether the Town has the land permit that the sewer plant sits on. Mayor Lloyd advised this will be addressed later. **Mayor Lloyd called the vote. VOTE: 5- Yes; 0- No; 0- Abstain; 0- Absent**

- **Planning & Zoning Minutes:** 4/25/06 – Pending completion
- **Scholarship Essay** – Tiffany Barber: Mayor tabled the item until later in the meeting
- **Kent Sawdy's Town Abandon Easement:** Request for the Town of Alpine to abandon access/ easement to the Children's Park near his home on Grey's River Road (see attached drawing- approximately 30 ft. wide). Mr. Sawdy addressed the mayor and council with his request to abandon the easement/ access which the Town owns located between lots # 20 and 21 in the Grey's River Valley Subdivision. He would like to purchase the access at a fair market value from the Town to plant several blue spruce trees for privacy and screening. Mr. Sawdy discussed the eyesore of the Town's fence, etc. Mr. Sawdy stated he has cared for this access area by mowing and road maintenance-- he feels his driveway is the Town's easement/ access.

Mr. Sawdy presented a letter to the council outlining his desires and request. With the parking lot for the kid's park being accessed from Meadows Drive, the park access along Grey's River Road isn't needed according to Mr. Sawdy. The clerk advised, after speaking to Karl Scherbel, there will be replatting costs if he purchases the land at fair market value—lots 7, 8, the access and easement, and Lot # 21 would need to be replatted. An appraisal would also be needed to establish the fair market value. Brenda Bennett questioned whether any water and sewer lines are located in the easement/ access. The clerk advised no official easements for any utilities are not listed on the plat. The clerk asked whether the easement/ access would be needed for any further bike paths. Carter Wilkinson suggested the item is tabled to allow further research. The clerk also asked the Town's legal counsel to advise whether the property should be first purchased and then replatted. Steve Fusco asked for further time to consider the actual purchase as it is giving up a piece of the Town's park lands. Mr. Sawdy isn't against the Town installing a paved bike path. Kent Sawdy agreed to go before the Planning & Zoning Committee next week on May 9th, 2006 for his request. Don Sherman also cautioned the council to consider Jim Pedersen's master plan when considering this sale. The request to purchase the property and the issue of costs are **TABLED**.

- **Scholarship Essay** – Tiffany Barber read for the council and mayor her scholarship essay. Ms. Barber, a senior at S.V.H.S., plans to attend the University of Wyoming this fall. She has participated in many community programs and has worked for the 1st National Bank and will continue to work through the summer to save money for college. **Mayor Lloyd called for a motion to approve a \$1,000.00 scholarship to Tiffany Barber. D.R. Hutchinson so moved. Don Jorgensen seconded. VOTE: 5- Yes; 0- No; 0- Abstain; 0- Absent**

Pictures with Ms. Barber and the council were taken for the Star Valley Independent.

- **Letter from Bryant Brown dtd. 4-28-06- "2007 Town Budget":** Shirley Brown read Bryant Brown's letter dated April 28th, 2006 and titled "2007 Town Budget" into the record. The letter, in summary, requests the council and mayor to properly plan this year's budget for the needs for town road maintenance and snow removal. The letter offers materials needed for correct patching of asphalt. Seal coating should be on a five to ten year frequency according to Mr. Brown. To ensure adequate drainage, he requests annual shouldering and ditching. He reviewed paving conditions on several Town roads and the significant pothole deteriorations throughout the Town. Additionally, the chip and seal applied to many streets will need to have much greater outlay required for necessary repair. He feels, in general, the practice of blading and mag chloride treatment

annually has been ineffective and over time very costly (Morning Star Drive as an example). He feels blading and mag chloride treatment should only be last resort measures, definitely not routine. He requests roads such as Morning Star Drive be paved. He suggested a multi-year snow removal contract should be sought for economy reasons.

Mayor Lloyd advised many of the issues raised in Mr. Brown's letter have been addressed and budget problems have deterred the Town from doing everything needed for the streets and roads. Brenda Bennett has been researching the penny sales tax initiative to care for the Town's roads. Additionally, snow removal and annual road maintenance can be covered in a multi-year contract rather than a annual bid process. The mayor, Brenda Bennett, Val Jensen, Mac MacAbee met with Bob Choma and Jiim Sandner, of North Star Construction to create a two year contract for both road maintenance and snow removal. Carter Wilkinson is creating the contract with possible renewal of the contract allowing for annual cost of living increases. Mayor Lloyd called for a motion to move forward with this contract.

Don Sherman questioned what the Town currently pays for snow removal to which the treasurer replied the cost is \$58,000.00. Mr. Sherman asked for consideration that the Town hire an operator and lease equipment for its own snow removal to save money. Mr. Jorgensen expressed additional equipment is needed beyond a grater such as a bobcat with a blower; additionally, the high cost of maintenance and fuel needs to be considered. The council and mayor agreed to consider this idea in the future. The two major annexations of Alpine Meadows and the Snake River Junction projects are going to maintain their own private, roads.

Mayor Lloyd called for a motion to go further with this contract formation with Jim Sandner. Don Jorgensen so moved. (Clerk's note: Tape #1/ Side A flipped over and clerk asked for the motion and the second to be repeated for the record). **Don Jorgensen motioned that the Town pursue the contract with Jim Sandner for snow removal and road maintenance for a two year contract.** Mayor Lloyd added that the contract could be renewed for an additional two years. **Steve Fusco seconded.** Shirley Brown questioned whether the costs for the two year contract have been negotiated. According to Mayor Lloyd, Mr. Sandner has agreed to stay within the Town's current budget and any extension of the contract will be based on the previous performance of the previous contract period. **Don Jorgensen amended his motion to include the option to renew the contract within two years and a clause to allow for a cost of living expense, added fuel costs and so forth. Mr. Jorgensen removed "and so forth" from his motion.** Mayor Lloyd called for further discussion. D.R. Hutchinson asked the administration to consider Don Sherman's suggestions to move toward owning equipment, and hiring personnel for road maintenance and snow removal. Don Sherman also suggested the Town purchase their own fuel tanks to lock in on lower fuel costs for bulk fuel. The treasurer advised this idea has also been explored and the current fuel demand for the Town doesn't warrant fuel tanks at this time, and the permits for tanks are cost prohibitive. However, if the town purchases their own equipment this is an option to consider. Also, the Town doesn't have enough room for the tanks at this point.
VOTE: 5- Yes; 0- No; 0- Abstain; 0- Absent

- ***DRAFT – 248 Resolution No. 01-05-02-2006 – POLICIES REGARDING REVIEW & PASSAGE OF RESOLUTIONS:** Mayor Lloyd opened the meeting up for discussion. Don Jorgensen believes a resolution isn't warranted and will create more "red tape." Steve Fusco expressed concern in not having enough time to review the last resolution and advised Carter Wilkinson's most recent letter testifies to the fact things need to be researched further as the current lease does not allow the Town to sublet the 17 acres for someone else's use. Carter Wilkinson stated, "It wasn't so much a subletting question because the new lease proposal doesn't even mention anything about subletting. It basically says its for the sole operation of a wastewater treatment plant for the Town of Alpine." By annexing the projects of the Alpine Meadows and Snake River Junction, the sewer plant then would be operating for the "Town of Alpine." The old lease did refer to subletting which the new lease proposal does not. Mr. Fusco expressed concern the costs for using the Town's lands was not addressed in the resolution. It is the Town's land and he feels the Town could have negotiated further; Mr. Fusco advised he isn't against the resolution that was passed, however, he feels it was rushed and the Town could have negotiated better for the use of their land.

Mayor Lloyd doesn't feel resolutions should drag on for 2-4 council meetings before being passed; Resolution # 246 is an exception to the rule in his opinion. Shirley Brown expressed concern she received the resolution at the start of the council meeting and would have liked more time to review the document as it is a considerable undertaking for the Town and community. She would like time to make phone calls to the Town attorney and engineer. She expressed dissatisfaction after digesting the document. The mayor reminded everyone resolutions can be tabled as an option and no one made the motion to table the resolution at the last meeting.

Don Sherman questioned what the emergency was to pass the resolution. All agreed it was more an "urgent" request on behalf of Mr. Halpin to move forward rather than an "emergency." Mr. Sherman voiced concern the pressure applied by developers may alter the Town's decision making process. Steve Fusco also stated further negotiations could have occurred with the developer (Mr. Halpin) to request his assistance for dirt work with the new ball fields to assist the American Legion.

Mary Flowers advised that Mr. Halpin does not have the Bureau of Reclamation's approval to date and he has to come up with a \$ 1,000,000.00 insurance policy in order to receive approval. Also, she doesn't believe the two pipes going underneath river are not encased and the Meridian's group did all the design work. She expressed concern for this pipe as the area is earth quake prone. The mayor reminded Ms. Flowers the project wouldn't be allowed unless he agrees to abide by the EPA, DEQ, and Bureau of Reclamation standards. Mr. Chichinsky asked the Town to respect the protocol and create a balanced playing field for everyone allowing everyone to be treated fairly. Mr. Sherman recognized the urgent request of the developer, however, he felt the resolution should have been tabled to allow the council and mayor to be thorough in their decision making.

After great discussion the council and mayor agreed to establish these ideas regarding reviewing and passing resolutions as a policy rather than a resolution. The clerk asked and the mayor and council agreed to begin a policy and procedures manual rather than passing motions in the minutes. **Don Jorgensen motioned to start a policy and procedures book starting with the policy of receiving information one week prior to council meetings. Don Jorgensen agreed the resolution should be cancelled for resolution policy before creating a new motion. Mayor Lloyd called for a motion to approve 248 Resolution. VOTE: 0- Yes; 5-Yes; 0- abstain; 0- Absent**

Steve Fusco motioned for the content of 248 –Resolution to become a "policy and procedure" – renaming the document as such which is subject to changes. Shirley Brown seconded. Mayor called for any further discussion. The due dates are flexible to allow for Town emergencies such as a pump breaking. **VOTE: 5- Yes; 0- No; 0- Absent; 0- Absent**

- ***W.A.M. April 13th, 2006 Sales Tax Revenue Projections –** Fiscal Budget Information: The clerk advised the information is at the top of the agenda as it is so near budget time for the council.
- **Allowing Treasurer Bennett to be the voting delegate at the June 2006 WAM Convention:** Mayor Lloyd called for a motion to allow Brenda Bennett to vote as a delegate at the WAM Convention. **D.R. Hutchinson so moved. Don Jorgensen seconded. VOTE: 5- Yes; 0- No; 0- Absent; 0- Abstain**

B. DEPARTMENT UPDATES:

- **WATER DEPARTMENT:** April 25th, 2006 Letter from the E.P.A. – Certificate of Excellence Award – Perfect bacteriological Compliance for 2005- Alpine Public Water System
- **STREETS & ROADS:**
- **SEWER DEPARTMENT:**
 - 1)*April 19th, 2006 Letter from Carter Wilkinson – CONCERNS OVER 17 ACRE PARCEL OF LAND – WASTEWATER TREATMENT PLANT (*hand-delivered to council)
 - 2)* April 18th, 2006 Letter from Carter Wilkinson to the Game & Fish – 17 ACRE PARCEL OF LAND (*hand-delivered to council)

- 3) *April 24th, 2006 Letter from Nelson Engineering – Measuring Daily Flow in the Existing Wastewater Treatment Plant (*hand-delivered council)
- 4) April 27th, 2006 - Letter from Steve Chichinsky – Regarding New Sewer Resolution – Faxed to Leon Kjellgren and Carter Wilkinson

Donn Wooden, local resident: Mr. Wooden advised as far as he is concerned the original lease agreement between the Game & Fish Dept. and the Town of Alpine for the 17 acres was valid and should be honored today. He plans on handing the document to Governor Freudenthal himself. Mr. Wooden reviewed portions of the document, and to his understanding an additional lease agreement was not needed as the Town of Alpine complied and conformed to the agreement. He feels there is the ability to challenge the Game & Fish and the Attorney General's office. He feels the Town administration should bypass the state and federal agencies and talk directly to the governor.

Mayor Lloyd acknowledged Mr. Chichinsky's letter.

Steve Chichinsky, local land owner: Mr. Chichinsky acknowledged the hard work associated with the 246 – Resolution regarding establishing an interim and permanent wastewater treatment plant for North Star Utility. He asked that negotiations and language within any agreements becomes more clear and precise as the project proceeds. As far as the resolution in general he referred to his 4-27-06 letter and asked the Town to proceed with caution.

- **PARKS & RECREATION DEPARTMENT:** Steve Fusco advised the American Legion is working on the ball field. A portable toilet will be placed for the duration of the project. The climbing wall warning signs have been received and will be installed next to the climbing wall within the next two days; the verbiage for the signs was approved by the Local Government Liability Pool.

The Town will be looking for a Parks & Recreation employee who will redo the fencing in the kid's park, painting projects, etc. A controlled burn will occur in the Town's burning area within the next few weeks and will be supervised by the Alpine Fire Dept.

- **PLANNING & ZONING DEPARTMENT:**
- **POLICE DEPARTMENT/COURT:** Animal licenses are available from Chief Phillips and the Town Hall.
- **TREASURER/ CLERK:**

CLERK: *POTENTIAL GRANTS (TO ASSIST COUNCIL WITH BUDGET PROCESS/ APPROPRIATING MATCHING FUNDS FOR FY 07 PROJECTS):*

- 1) *April 4th, 2006 STATEMENT OF NEED FORMS SLIB – **IMPORTANT** (SLIB is asking Local Governments to prioritize their needs): The clerk asked for the mayor and council to complete the form prior to the May 15th, 2006 deadline. The mayor agreed to work on the form.
- 2) *April 6th, 2006 – WY BUSINESS COUNCIL – New Facilities Grant & Loan Program/ Application
- 3) *March 24th, 2006 – TEAL GRANT – TRAILS, ETC. - Fiscal Year 2007 (must be projects over \$10,000.00 and less than \$500,000.00; see match section for requirements)

The council and mayor agreed to meet with the clerk before or after council meetings to review the above grants. The council and mayor agreed to wait until the priorities section only is completed on the master plan before seeking grants.

TREASURER: Requested the council and mayor grant permission to move enough money to the savings account at First National Bank to prevent the accounts receiving a dormant fee (see April 26th, 2006 letter).

Steve Fusco motioned to approve the Treasurer to put \$500.00 in the water and sewer department savings accounts at First National Bank – West. Don Jorgensen seconded. VOTE: 5- Yes; 0- No; 0- Absent; 0-Abstain

C. ON-GOING BUSINESS/ INFORMATION:

D. INFORMATION DISTRIBUTED TO COUNCIL/ ANNOUNCEMENTS:

- *April 25th, 2006 – Mayor Lloyd’s Letter of Support to the Cty. Commissioners- Alpine Confluence Info. Ctr.
- *W.A.M. Proposed Resolutions – April 20th, 2006 - INPUT NEEDED BY JUNE 7TH, 2006
- W.A.M. April 20th, 2006 “Heads Up” Newsletter
- Lincoln Cty. Planning Office – FINAL DRAFT Public Lands Policy – COMMENTS DUE BY MAY 8th, 2006
Memo dtd. 4-18-06 from Lincoln County Commissioners – Yellowstone Journal County-wide Ad

GOVERNOR FREUDENTHAL VISITING AREA: Donn Wooden advised the governor will be in Etna on June 3rd, 2006. A breakfast will be held for the governor and will be in Alpine as well. The mayor, council, and Mr. Wooden agreed on a welcoming party. They may try to find a small bus to provide a tour of the projected growth, etc.

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

The meeting adjourned at approximately 9:10 p.m.

Dave Lloyd, Mayor

Date

ATTEST:

Tracy Matthews, Clerk

Date