
**TOWN OF ALPINE
COUNCIL MINUTES
OCTOBER 3RD, 2006**

CLERK'S NOTE: "*" = INFORMATION MAILED PRIOR TO COUNCIL/ MAYOR

Clerk's Note: Tape # 1 of 2 starts here. The council minutes are a summary only of a tape-recorded meeting.

Mayor Don Jorgensen called the meeting to order at 7:04 p.m. and held the pledge of allegiance. A quorum was established by the clerk through a roll call.

Council members/ Mayor: Council: Shirley Brown, Donn Wooden, D.R. Hutchinson, and Marietta Lanphear. Mayor Jorgensen also present.

Staff Present: Brenda Bennett, Treasurer; Tracy Matthews, Clerk; and James Phillips, Police.

Others present: See attached list

A. ACTION ITEMS AND NEW BUSINESS:

- **COUNCIL MINUTES:** Mayor Jorgensen called for a motion to approve the September 19th, 2006 and August 29th, 2006 Council Minutes. **D.R. Hutchinson so moved. Shirley Brown seconded. Mayor Jorgensen called for further discussion. VOTE: 5- Yes; 0- No; 0- Abstain; 0-Absent. Motion carried.**
- **Dave Lloyd – WATER ISSUES:** Following the meeting on September 28th, 2006 Dave Lloyd wanted to give more information. In 2003 after becoming mayor, he asked the WWDC (Wyoming Water Development Commission) to take an already funded grant request for the Alpine Raw Water Project and redirect the money for a water study of the current water system in order to correct leaks and improve the delivery system. The Alpine Raw Water Project was to use the spring water for non-potable, irrigation use and would cost the Town approximately \$1,000,000.00.

Dave Lloyd will go before the SLIB (State Loan and Investment Board) to request funding to upgrade the well pumps, and for stand-by emergency power. The Town has already received commitment from the WWDC to drill a third, exploratory well in addition to the two existing wells. In as much as this upgrading will enable the Town to have surplus water to sell to North Alpine, he asked the council tonight for a motion to sell any surplus water we might have to the North side of the river. Mr. Lloyd is adamantly against giving anyone a franchise for surplus water as this is the most precious Town commodity and the Town should control its own water completely. The Town's surplus water should be controlled and sold only by the Town of Alpine.

Mr. Lloyd reiterated the fact that Ms. Kathy Ellsworth, North Star Utility, advised at the meeting last Thursday that NSU has no intention of competing with the Town of Alpine for selling water. He asked what is the need for a franchise. Mr. Lloyd feels the Town needs to work diligently with the Wyoming Business Council to obtain grant monies in conjunction with the Alpine Development Group. These grants could also include the delivery of water across the Snake River Bridge {the creation of a 14" transmission line across the bridge}. Dave Lloyd asked the clerk to proceed on the grant to which the clerk replied the grant will take the Town's engineers and representatives, not just the clerk, to file this grant as the grant is for infrastructure. This grant application would be very similar to the SLIB process. She suggested that Ray Sarcletti be contacted and asked to come to a meeting in which the engineers and Damien Mavis are in attendance. The council requested the meeting be set as soon as possible and the clerk agreed to set up the meeting.

Dave Lloyd advised he will meet with the Game & Fish regarding the lease/ purchase agreement for the 17 acres for the sewer treatment plant land. This agreement will need to be reviewed by Jim Lubing and the council both as the state will most likely ask for more than what the Town wants to give. This agreement can be finalized with the Game and Fish Commission by the middle of November 2006.

- **Planning & Zoning Minutes:** **August 8th, 2006; *August 22nd, 2006; and *September 12th, 2006:* Don Jorgensen asked for a motion to approve all three sets of the council minutes. **D.R. Hutchinson so moved. Shirley Brown seconded. VOTE: 5- Yes; 0- No; 0- Abstain; 0- Absent. Motion Carried.**
- **Wyoming Rural Water Systems - Source Water Protection Plan** – Pepper McClenahan thanked the council and mayor for their membership in their non-profit organization which benefits public water and wastewater systems throughout Wyoming.

Ms. McClenahan advised the Town of Alpine was one of the first community's to finish a Source Water Protection Plan which was completed in 2003. Ms. McClenahan disseminated a section of the Source Water Protection Plan for review. The delineation area is the mapped area as to where the Town's water originates from; this area contributes water to the Town's wells. There are two delineation areas which appear as rings extending outward from the Town's wells. The first area was defined by using a mathematical model and the second by using natural hydrological modeling. Ms. McClenahan reviewed the Town's delineation area and explained the outer 'ring' or area takes a five (5) year time to travel and the middle ring two (2) years, and then the area immediate around the well. This delineation area gives an estimated time of travel for any contamination to reach the Town's wells; however, many factors may affect the contaminate's travel: geologic conditions, precipitation, etc.

The State of Wyoming D.E.Q. later completed hydrological mapping which differs from the first mapping. This Source Water Protection Plan first identifies the water sources, what contributes to these water sources, and then a contaminate inventory is completed. This inventory identifies sources which may positively or negatively affect the Town's water sources. Once these areas are compiled then the next stage is identify management strategies. The clerk clarified the fact this protection plan was not adopted by passing an ordinance.

Since 2003 a lot of changes may occur to the Town's water system such as growth, annexation of areas, etc. Additionally, the water protection plan can be utilized to prepare an emergency response plan and she stressed the importance of the Town to properly cover its utilities in the event of an emergency. This plan contains a comprehensive vulnerability assessment of the Town's water system, and an emergency response plan. The vulnerability assessment analyzed and evaluated all of the critical aspects of the water system including the storage tanks, distribution system, etc. This assessment identified areas of weakness such as lack of fencing around the well heads which was recommended after the plan was written. There are homeland security grant funding available to correct these weaknesses. Often times Homeland Security planning centers on 'guns and hoses' {police and fire} protection and often times the utilities are over looked. Without water supply the fire hoses would be rendered inoperable.

Another vulnerability item identified in this plan is the lack of stand-by power which is being addressed through the WWDC funding for proposed upgrades. A new program titled *WYOWARN* is a new program in Wyoming that is forming to create a state-wide mutual aid program for water and wastewater. If things are not in place and a disaster strikes, it makes it even more difficult to work with FEMA and other agencies. These mutual aid agreements define and create access to critical and emergency equipment, power needs, etc. Our area is prone to seismic activity and bad weather. The Town would know what resources are available to them down to the equipment, the manpower, and costs. The Town and other communities can participate in this community-based agreement.

GROUND WATER DEMONSTRATION - Ms. McClenahan used this ground water demonstration model to represent how our recharge area and wells can be affected by ground water contamination. Using a green dye to represent a 'compromised septic tank' she showed how ground water can be contaminated by this tank to area wells and anything subsurface, including aquifers. One misconception is that a confined aquifer can be safe from underground contamination which isn't the case. The very fact that a well has been drilled in the aquifer indicates it has been fractured. Usually a deeper well affords more protection, however, it isn't full proof. Any place the Town has additional wells it is similar to having many straws in the same glass. The wells are competing for the same supply and the Town is assuming that private wells are drilled and maintained correctly. One area of concern is for the Town to identify any abandoned wells which may become a 'conduit' for contamination to enter the aquifer.

Chemically, Ms. McClenahan showed how certain chemicals or contaminants can react differently to different soils and not all types of soils react the same way with chemicals. The chemicals can separate and stay on top of the soil or leech down into the soil. The Town needs to be very careful what chemicals are being put on the ground such as Round-up. Once the ground is surface contaminated the only solution is to excavate the site. She stressed public education of the Town's residents and referred to recent material she obtained at a Texas training which covered water conservation, healthy septic systems, composting, etc. The Wyoming D.E.Q. identifies personal septic systems as one of the most potential threats to ground water. Rural areas are prone to septic installations. Septic systems require proper installation and maintenance including pumping every 3-5 years. Many people immigrating to rural areas which have utilized sewer systems are unaware of how to maintain their septic tanks, and, therefore, may flush harmful things into their systems, such as grease.

She suggested the Town create a magnet which identifies when the new septic system was installed and when it should be pumped and these would be given with all new septic permits. Additionally, information can be disseminated with septic permits to educate the homeowner on the proper maintenance of their tank. In other areas of the state, septic systems were installed incorrectly and the leach field entered into the fractured bedrocks and entered into the private individual wells which are not chlorinated.

In general, water has become an even more precious resource as we are extracting more water from our aquifers than what is being produced. Drought seasons have greatly affected the earth's water sources and; therefore, water conservation will become even more important such as using low flow toilets. She encouraged the Town administration and public to understand water as a 'free resource' isn't free as it costs money in electricity to pump the water, complete EPA testing requirements, personnel, maintenance, etc. Any well has a finite lifespan which can average 40-50 years. Public Water systems must build into their water rates fees which cover the 'rainy day fund' or 'reserve account.' Drilling a public water system well is more costly than a private well as they are required to be engineered and permitted differently.

Tom Colletti, area resident: Mr. Colletti inquired whether the angular space should be filled on any well drilled which was 'dry' or didn't produce to which Ms. McClenahan advised the annular seal (the space between the bore hole and the pipe) should be filled when it is drilled. She advised any dry drilling tap should be capped and filled properly. The State of Wyoming requires potable water haulers to be licensed through the USDA, however, water well drillers are not required to be licensed. Any hole in the ground is potential risk for contamination.

Donn Wooden, council: Mr. Wooden advised an abandoned well exists on the Forest Services land on the bench. The well had originally been looked at for development when the Town's water system was first developed, and the well wasn't utilized. He expressed concern the well hole may have not been capped afterward. He questioned if there are any grants available to offset costs to cap old wells. Ms. McClenahan isn't aware today of any grants but she could research the issue. During the first version of the Source Water Protection Plan a research of the State Engineer's office for well permits was not completed and should be completed with any updated version. Some of the borings drilled in the past may not have had permits. She suggested obtaining the help of the private citizens to search out old wells and cap potential hazard wells whether they are being used or not.

In order to clarify the fact the earth does not make new water, Ms. McClenahan used the analogy of a 5 gallon bucket holding all of the earth's water. Approximately 3 gallons of the fresh water are held within the polar ice caps and the additional water within the salt water seas. The amount of fresh water available would be the size of an eye dropper.

If any abandoned wells are on the Forest Service property we should be able to obtain permission to properly cap these old bore/ well holes.

- **Water Bill Complaint-** Beau Taylor, resident- Mr. Taylor asked to be on the agenda, however, did not attend the meeting.

- ***Marge Grover Memorial** – September 23rd, 2006 Letter from Diana Taylor and Proposal from Donn Wooden. Mayor Jorgensen read the proclamation in its entirety. Mayor Jorgensen asked for a motion to pass the proclamation. **Donn Wooden motioned to approve the proclamation and asked for any further questions or comments.** Mr. Wooden advised donations can be raised and Ron Reeves will do the woodworking. Brenda Bennett questioned whether Mr. Wooden can make the motion, legally, as he is the one proposing the proclamation. Elizabeth Koeckeritz advised he is able to make the motion. The proclamation proposes the Town Square and Park are hereafter named the 'Marge Grover Memorial Park' by establishing a permanent sign and plaque within the gazebo. A proclamation is made by a mayor with the consent of the council. **Donn Wooden withdrew his motion as he is the author of the proclamation to avoid any conflicts.** D.R. Hutchinson suggested a plaque honoring Jan Rollins' contribution to the Mountain Days Celebration and community is created. The council concurred and plaque will be installed in the gazebo. **D.R. Hutchinson motioned to approve the proclamation, the proposed signage, and in addition coming up with a plaque to be put into the gazebo recognizing Jan Rollins' tireless efforts. Marietta Lanphear seconded. VOTE: 5-Yes; 0- No; 0- Abstain; 0- Absent. Motion carried.**
- ***Appointing Elizabeth Koeckeritz as "Co-Town of Alpine Attorney"**- See September 21st, 2006 email from Ms. Koeckeritz. Don Jorgensen asked for any business to be brought through Jim Lubing's office. Ms. Koeckeritz agreed to keep Mr. Lubing in the loop; however, she is not covered under any insurance within her personal office or under Jim Lubing. Unless she is appointed she isn't covered. **Don Jorgensen asked for a motion to approve Elizabeth Koeckeritz as the "Co-Town of Alpine Attorney" for Alpine. D.R. Hutchinson so moved. Donn Wooden seconded. The mayor asked for further discussion. VOTE: 5- Yes; 0- No; 0- Abstain; 0- Absent. Motion carried.**
- ***NORTH STAR UTILITY – CREATING A JOINT POWERS BOARD:** See letter dtd. 9-22-06 from Elizabeth Koeckeritz. Mayor Jorgensen reviewed the content of the letter which states the Town of Alpine is unable to enter into a Joint Powers Board with the North Star Utility agency as they are private entity and the Town is public. Ms. Koeckeritz advised that since the Town is taking on a new prospective change by Damien Mavis buying water directly from the Town will alleviate most of the water issues with the north side development. One of the largest issues is getting the pipeline across the bridge. According to last Thursday's meeting the Town can install the master meter before the bridge or across the bridge and purchase the water directly from the Town to avoid a franchise agreement. According to Elizabeth Koeckeritz if North Star Utility is sold water directly and the land is annexed, then a franchise agreement is needed. If the land is annexed and Mr. Halpin supplies his own water then a franchise isn't needed.

Mr. Wooden advised to his recollection that Mr. Halpin advised at some point he would change to a legal district to which the former mayor concurred. In essence, Mr. Halpin would give up his private business and create a legal water district which could cooperate on a Joint Powers Board scenario. According to recent conversations with Kathy Ellsworth of North Star Utility, Elizabeth Koeckeritz advised that the Town could purchase North Star Utility at cost almost at anytime. The developer does not need to continue to own the water and wastewater.

D.R. Hutchinson motioned to proceed with going after the grant money to take the meter to the bridge in order to sell the water to all interest parties.

Dave Lloyd advised there is already a meeting before the State Loan and Investment Board on November 9-10, 2006 for funding to take the transmission line to the Snake River Bridge. The council discussed reasons for pursuing additional grant money to extend the transmission line across the bridge as it will fulfill the Town's commitment made 10 years ago to work on regionalizing water service to the North Alpine area. It is better to pursue money now when it is available rather than later.

D.R. Hutchinson retracted his prior motion and motioned to go ahead and provide the meter to the other side of the bridge and start out with selling {water} at a 100 gallons. Elizabeth Koeckeritz agreed to pursue funding for the transmission line across the bridge now. Marietta Lanphear questioned whether the motion should be post-poned until Dave Lloyd returns in November 2006 to which Elizabeth Koeckeritz advised they could

continue the motion to pursue additional funding. If it is a water or wastewater issue, legal advertising must occur before the resolution is read in a council meeting. To look into grant money a resolution isn't needed, however, once you commit to a grant then a resolution is in order, according to Elizabeth Koeckeritz.

Donn Wooden suggested the motion be reworded to read that whatever efforts are necessary to take advantage of whatever grants are available to fulfill the commitment by the Town to provide water on the other side of the river should be pursued. D.R. Hutchinson advised his motion should read what Donn Wooden suggested and that the main interest of his motion is to make sure that by the next meeting a resolution is ready to go to pursue water across the bridge and to provide 100 gallons of water. He then changed it to read 'surplus' rather than '100 gallons.' Donn Wooden seconded. Don Jorgensen asked for further discussion. VOTE: 5-Yes; 0- No; 0- Abstain; 0- Absent. Motion carried.

- **TERRACE LANE:** Letter from Robert W. Mietchen dated 9/25/06 (Faxed to Elizabeth Koeckeritz). Ms. Koeckeritz advised after reading the letter it seems Mr. Mietchen is not willing to provide an easement or a license to the Town. Therefore, the agreement would only extend to the fire hydrant. D.R. Hutchinson advised the road should end at the fire hydrant and if the road needs to be extended past the hydrant it should be at his expense. Dave Lloyd agreed with this statement, however, expressed concern for the fire and EMS personnel to be able to turn around at the end of the road. If Mr. Mietchen isn't willing to grant an easement, then Mr. Hutchinson feels it his responsibility to have that area snow plowed. Dave Lloyd advised the Town cannot deny Mr. Mietchen fire protection and paramedics.

According to D.R. Hutchinson, Mr. Mietchen has two accesses to his property. Marietta Lanphear concurred with this statement as one of the accesses extends onto a portion of her property. Ms. Koeckeritz questioned whether the other two homeowners near Mr. Mietchen's property will have fire access if the road stops at the fire hydrant. D.R. Hutchinson advised they will have fire access as the hydrant is past the Munson property. James Phillips, Chief of Police, advised Terrace Lane is very narrow and although this is access, a fire truck cannot turn around in the area. Ms. Lanphear questioned whether the Town could condemn a certain area around the hydrant due to safety concerns to which Ms. Koeckeritz advised the Town can move forward with condemning the property provided just compensation is made to the owner.

Marietta Lanphear advised the 'bridle path' comes to a point at this hydrant near Mr. Mietchen's property. Additionally, a portion of this circle exists onto the Forest Service property; approximately 8 ft. from the fire hydrant is the Forest Service's property. The council agreed a right-of-way permit would need to be secured from the Forest Service in the interest of public health and safety because of the emergency access issues. Surveyor Scherbel would need to survey the 100 ft. proposed radius and whose land is affected including Mr. Mietchen's land. Mr. Wooden also suggested a challenge should be made as to whether Mr. Mietchen actually owns the portion of the bridle path. The bridle path area was not included the last lawsuit over Terrace Lane. According to Ms. Lanphear the bridle path was given over to the use of each property owner along the path due its extreme slope and steepness rendering it useless. According to Ms. Lanphear, Rhea Worthen stated she had finally contacted and paid \$700.00 to Don Earl to purchase the bridle path and 'some sort' of deed was turned over for the bridle path; however, to her understanding Mr. Earl didn't own the bridle path anymore. The issue of ownership all agreed is very convoluted.

Ms. Koeckeritz advised there may be no way he could have sold the bridle path land as it isn't included on any of the plats. However, if the land has been 'open to notorious adverse use', then it can end up in a quiet title action if the use has been less than ten (10) years. After returning to Wyoming this week, Ms. Koeckeritz checked with Southwest Title in regard to the progress of the O&E Title research on the bridle path. The title company has not started this title research and they request someone, such as the mayor, should contact Surveyor Scherbel's who in turn would begin the Title research with Southwest Title.

A motion was never made to cover the title research request for the bridle path. Donn Wooden suggested the Town specifically hire Surveyor Scherbel to design the proper cul-de-sac at the end of Terrace Lane for the health of safety of the residents and in the process find out who owns the bridle path. A special use permit may need to be secured from the Forest Service which would take care of the Town's liability and responsibility for handling an emergency.

Elizabeth Koeckeritz advised the reason for researching ownership of the bridle path must be done now as the new plat to which everyone is agreeing to includes a portion of this path by several feet. For the other eight individuals involved in this re-plat, pulling existing deeds to the property will be sufficient according to Elizabeth Koeckeritz.

D.R. Hutchinson advised he doesn't feel a cul-de-sac can be designed as Mr. Monson's property would be involved and discussed his reasoning. A retaining wall is suggested rather than a cul-de-sac and Mr. Hutchinson didn't know if a fire truck could turn around this area even with a retaining wall. James Phillips advised there would not even be enough room for his patrol vehicle to turn around let alone a fire truck. Mr. Hutchinson feels there is no reason for an ambulance to access this area unless it is for the Mietchen's use and that fire may be a different story legally.

(clerk's note: Tape #2 – Side A starts here)

Brenda Bennett suggested obtaining additional forest service land to enlarge the road. D.R. Hutchinson advised a retaining wall is only suggested for the bottom off the hill and another retaining wall would be needed at the top. If someone's home were to burn to the ground, the clerk questioned if the Town could be held liable for approving this re-plat without ensuring adequate turn around space for fire and EMS agencies. Ms. Koeckeritz advised that in this worst-case scenario that the Town could be held liable. D.R. Hutchinson feels the only property in question is the Mietchen's property. He feels emergency equipment could be turned around by using the Monson's driveway. James Phillips asked for the Town Council to consider the worst-case scenario, for example, it is in the middle of winter and a fire has started and only a narrow channel has been plowed for ambulance and fire equipment. He feels it will be a disaster in his opinion and he suggested they contact the Fire Department. Stoor Drive is another problematic area for fire equipment and he feels any real results are not being suggested tonight from what he's heard. The history of Terrace Lane's problematic issues have been decades long in Mr. Hutchinson's opinion; he feels if Mr. Mietchen refuses to allow a right-of-way on his property, it releases the Town from part of its liability.

Elizabeth Koeckeritz suggested more research is done regarding the Town's possible liability as she cannot say for certain the exact liability even if the Town's clarifies their actions to approve this plat including Mr. Mietchen's refusal. D.R. Hutchinson stated the Town has made several commitments over the last six (6) years to rectify the matter to no avail. He feels the homeowner {Shawn Bard} may have recourse to sue the Town of Alpine as the Town keeps saying we need to research more and more issues and he feels this becoming a 'lame' excuse as this has been done for the last six years. He feels the Town is faced with nothing being done and more and more road blocks which are unacceptable to Mr. Hutchinson. Elizabeth Koeckeritz agreed with Mr. Hutchinson's comments; however, in order to file the plat it must be completed correctly. As the issue stands today, Mr. Koeckeritz does not believe the county will accept the plat. The question of ownership of the bridle path must be answered before the plat can be finalized as well as the Town's potential liability for an inadequate turn around space. Asking to delay the plat for one more day to research this potential liability does not seem like an unreasonable request according to Elizabeth Koeckeritz.

Surveyor Scherbel, as of yesterday, surveyed the area with permanent stakes according to the last plat agreed upon. Donn Wooden suggested Mr. Mietchen sign a hold harmless agreement since he doesn't want to grant passage. Marietta Lanphear suggests the hold harmless agreement be extended to all three homes in question (which is all Rhea Worthen's property). She will research the liability issues tomorrow regarding emergency access and lack of turn around capabilities for emergency vehicles.

D.R. Hutchinson motioned to approve proceeding with a title search as to who owns the bridle path and to involve Surveyor Scherbel if need be. Donn Wooden seconded. Donn Wooden agreed to speak to Surveyor Scherbel's office regarding the matter tomorrow. **The mayor called for further discussion. VOTE: 5-Yes; 0- No; 0- Abstain; 0- Absent. Motion carried.**

- ***3rd Reading - 134 Ordinance No. 2006-04: Adopting Solid Fuel Burning Devices-** Don Jorgensen read the ordinance through the title and first few paragraphs. **Donn Wooden moved to pass. D.R. Hutchinson**

seconded. Don Jorgensen called for further discussion. VOTE: 5- Yes; 0- No; 0- Abstain; 0- Absent. Motion carried.

- ***3rd Reading - 135 Ordinance No. 2006-05: Adopting International Mechanical Code-** Don Jorgensen read the ordinance through the title and first few paragraphs. **D.R. Hutchinson moved to pass. Shirley Brown seconded. The mayor called for any further discussion. VOTE: 5- Yes; 0- No; 0- Astain; 0- Absent. Motion carried.**
- ***3rd Reading - 136 Ordinance No. 2006-06: Adopting International Residential Code –** Don Jorgensen read the ordinance through the title and first few paragraphs. **D.R. Hutchinson moved to pass. Shirley Brown seconded. Don Jorgensen called for further discussion.** Mr. Wooden questioned section R102.7 "Existing Structures" and read the first sentence of this paragraph. Mr. Wooden questioned what would happen to existing, construction projects {existing building permits} which are being constructed but an occupancy permit has not been issued. Is the entirety of this section going to be used on existing building permits and will these permits have to come into compliance with this ordinance before the occupancy permit would be issued. Mr. Wooden feels an exception should be made to existing permits already filed. The clerk offered that the date the building permit application is filed is the date used to determine which building code standards are used, for example, if someone where to file today the project would need to adhere to UBC standards as that is how the building permit plans are approved. All agreed simple verbiage could be added to clarify the issue. Elizabeth Koeckeritz offered to include the following verbiage to the Effective Date section: "This ordinance shall become effective from the date of its passage provided, however, that this ordinance shall not apply to any previously approved building permits." The clerk suggested each ordinance being reviewed tonight include this verbiage to which the council agreed. **D.R. Hutchinson moved to amend each ordinance to include this new sentence. Marietta Lanphear seconded. Mr. Hutchinson advised at this point he cannot amend any subsequent ordinances as there is another motion already on the floor. D.R. Hutchinson withdrew his original motion and motioned to insert that one sentence for clarification in each of the ordinances already passed which would be 134- Ordinance and 135-Ordinance as amended. Marietta Lanphear seconded. Don Jorgensen asked for any further discussion. VOTE: 5- Yes; 0- No; 0- Absent; 0- Abstain. Motion carried.**
- ***3rd Reading - 137 Ordinance No. 2006-07: Annexation of Alpine Meadows –**Ms. Koeckeritz asked for the third reading of this ordinance to be TABLED until the next council meeting when the annexation agreement is more solidified. Kathy Ellsworth will be out of Town for two weeks and will return the Monday prior to the next council meeting. **TABLED to October 17th, 2006 council meeting.**
- ***2nd Reading - 138 Ordinance No. 2006-08: Adoption of the International Building Code-** Don Jorgensen read the ordinance through the title and first few paragraphs. **D.R. Hutchinson moved to pass the second (2nd) reading. Shirley Brown seconded. Marietta Lanphear questioned whether 138, 139, and 140 Ordinances could be 'lumped' together as a 2nd reading approval as amended. All parties agreed the motion on the table must be covered first. D.R. Hutchinson withdrew his original motion. Marietta Lanphear moved to amend Ordinances 138, 139, and 140 to include the stipulation 'current building permits' that the council approved in the previous ordinance. D.R. Hutchinson seconded. Don Jorgensen asked for further discussion. VOTE: 5- Yes; 0- No; 0- Abstain; 0- Absent. Motion carried.**
- ***2nd Reading - 138 Ordinance No. 2006-08: Adoption of the International Building Code –** Don read this ordinance a second time through the title and first few paragraphs. **D.R. Hutchinson moved to pass 138 – Ordinance as second reading. Shirley Brown seconded. Don Jorgensen asked for further discussion.** Donn Wooden questioned Item #14, Section 1805.4.5 'Timber Footings' and why this is deleted in its entirety in the adoption of the IBC Code. Mr. Wooden questioned why and who decided to delete this provision to which the clerk advised Rob Wagner and the Planning & Zoning Commission have drafted these ordinances and she suggested they be invited to the next meeting. Council asked for Rob Wagner to come and explain and clarify. Mr. Wooden also questioned Section IV. "Stamp or Seal of Licensed Engineer Required" and read this section which requires a civil or structural engineer's stamp of approval. Mr. Wooden feels if the Town is going to require an engineer's stamp it is a

'mute' point to do away with other provisions like 'Timber Footings.' Presently, structural engineers are required on manufactured homes for foundations and that is the only way financing can occur. This adds about \$350.00 - \$500.00 to the cost of the building permit according to Donn Wooden. He does not object to this requirement, however, he feels there are some cases in which 'Timber Footings' are appropriate to deal with certain structures, i.e., temporary structures.

Discussion included whether to TABLE the 2nd Reading or approve it subject to receiving clarification. **D.R. Hutchinson amended his motion to include the approval of this 2nd reading subject to clarification by Bob {Rob}Wagner at the next meeting prior to the third reading that of Section 3-#14. Don Jorgensen asked for a second. Shirley Brown seconded. Don Jorgensen asked for further discussion. VOTE: 5-Yes; 0- No; 0- Abstain; 0- Absent. Motion carried.**

- ***2nd Reading - 139 Ordinance No. 2006-09: Adoption of the International Fuel Gas Code-** Don Jorgensen read the ordinance through its title and first few paragraphs. **Donn Wooden motioned to pass the adoption of the International Fuel Gas Code. D.R. Hutchinson seconded. Don Jorgensen asked for further discussion. VOTE: 5-Yes; 0- No; 0- Abstain; 0- Absent. Motion Carried.**
- ***2nd Reading - 140 Ordinance No. 2006-10: Adoption of the International Plumbing Code-** Don Jorgensen read the ordinance through the title and first few paragraphs. **D.R. Hutchinson moved to pass second reading. Donn Wooden seconded. Don Jorgensen asked for further discussion. VOTE: 5-Yes; 0- No; 0- Abstain; 0- Absent. Motion carried.**
- **Yellowstone Journal Corporation –** 2007 Lincoln County Marketing Campaign Contract for Renewal (last years ad cost \$2,900.00 and this year is \$2,600.00 county-wide ad campaign). The clerk advised the attached letter summarizes last year's county-wide ad campaign efforts. The Town's contribution last year cost \$2,900.00 and the cost this year's is 2006-2007 will be \$ 2,600.00. The council has set aside money to participate in the ad through a budget line-item and the mayor's signature is needed to authorize payment.

Mr. Wooden questioned how much good the ad has done the Town to which Karen Haderlie, Star Valley Chamber of Commerce, advised the magazine, "99 Things to do in Yellowstone," is extremely popular and their website was voted the top tourism website in the world. By buying into this ad the Town has a link on the corporation webpage to its own site. This company is very sophisticated in the methods of tracking the number of hits on the website. Advertising is expensive, however, she encouraged the council to continue participation. Next to the Star Valley Magazine, this publication has been extremely popular in our area. Mr. Wooden questioned the magazine's distribution area such as the local motels, and she offered to deliver the magazine to area restaurants and businesses. The Lincoln County Commissioners paid for a portion of the cities and towns participation.

The Star Valley Chamber of Commerce, located in Thayne, is now in a more visible location. Several members of the audience advised they have seen the publication in Montana, and other places in Wyoming. **Don Jorgensen asked for a motion to continue with the Yellowstone Journal Corporation and for his authorization to sign for the ad. Shirley Brown so moved. Donn Wooden seconded. Don Jorgensen asked for any further discussion. VOTE: 5- Yes; 0- No; 0- Abstain; 0- Absent. Motion carried.**

B. DEPARTMENT UPDATES:

- **WATER DEPARTMENT:**
- **STREETS & ROADS:** Brenda Bennett asked for permission to install the Town's 'rotating' speed bump between Trail Drive, Three River Drive, and River View Meadows. The speed bumps are legal as long as they are posted. The mayor and council agreed for the speed bump to be rotated.
- **SEWER DEPARTMENT:**
- **PARKS & RECREATION DEPARTMENT:**
- **PLANNING & ZONING DEPARTMENT:**
- **POLICE DEPARTMENT/COURT:**

- **TREASURER/ CLERK:** August 2006 Court Report

C. ON-GOING BUSINESS/ INFORMATION:

- **MASTER PLAN UPDATE:** As of September 28th, 2006, Mr. Pedersen anticipates completion of the plan by the end of October 2006 if not sooner. Once a completion date is more concrete, the clerk will advertise the three readings of the ordinance adopting the plan.

Don Jorgensen advised that after the council meeting they will proceed to executive session.

- **IMPACT FEE STUDY – ANNEXATION ALPINE MEADOWS:** To the clerk's understanding, Paula Stevens was to contact BBC Research as to whether they could complete the Impact Fee Study. Dave Lloyd advised Ted Smith, Ph.D., has offered his assistance. Brenda Bennett reiterated the fact the Council decided not to proceed with Jim Pedersen's for the Impact Fee Study due to costs and, therefore, BBC Research was to be contacted. The Council asked for Paula Stevens to attend the next council meeting to update them in regard to BBC Research's ability to complete the Impact Fee Study.
- **ANNEXATION OF ADDITIONAL LAND OWNERS- NORTH ALPINE:** Dave Lloyd questioned Ms. Koeckeritz as to what progress has been made to annex the additional property owners who have voiced a desire to annex. Ms. Koeckeritz advised until land between these owners and the Town is annexed, the owners are not contiguous to the Town to which Mr. Hutchinson disagreed. In regard to Damien Mavis' property, Ms. Koeckeritz advised that his project is contiguous, however, it was just recently decided by the council how to solve water issues. However, Ms. Koeckeritz stated that if it appears the water issues are solved, she agreed to begin the annexation proceedings tomorrow for Damien Mavis' project. An annexation report will need to be completed at the cost of the developer. Ms. Koeckeritz advised she has left messages for John Bowers, attorney for Clarence and Dottie Reinhardt, and to date they haven't been returned.

Mr. Hutchinson advised that WAM's attorney has indicated the annexations do not need to be approved separately and can be annexed in a group fashion. Ms. Koeckeritz agreed that all six (6) properties should be grouped together including Damien Mavis's property; however, those six beyond Alpine Meadows and Damien Mavis' property could not be annexed until one of these entities are annexed which extends the Town's boundaries. In order to annex the land must be contiguous to the Town of Alpine before annexation can occur. To reiterate, the annexation of Alpine Meadows was underway when she stepped on board and this annexation did not include any surrounding properties. The properties surrounding Mike Halpin's could have been annexed at the same time as Alpine Meadows, but they weren't filed that way. Therefore, these properties today do not meet the contiguous requirements until Mike Halpin's property is annexed.

Letters of intent have been filed regarding many outlying land owners' desire to annex; however, with the exception of the Hafeez's, no other outlying land owners have filed an annexation petition. The owners must formally petition the Town for annexation not just file a letter of intent to annex. Elizabeth Koeckeritz has a formal petition she can distribute to these property owners.

D. INFORMATION DISTRIBUTED TO COUNCIL/ ANNOUNCEMENTS:

E. FINANCIALS/ UNPAID BILLS:

Don Jorgensen asked for a motion to pay the unpaid bills. D.R. Hutchinson so moved. Shirley Brown seconded. Don Jorgensen asked for further discussion. VOTE: 5-Yes; 0- No; 0- Abstain; 0- Absent. Motion carried.

Don Jorgensen asked for a motion to go into executive session. D.R. Hutchinson so moved. Elizabeth Koeckeritz advised the motion needs to reflect the subject matter for the executive session as only certain

topics are allowed by law. Don Jorgensen clarified the executive session is for personnel reasons. Marietta Lanphear seconded. VOTE: 5- Yes; 0- No; 0- Abstain; 0- Absent. Motion carried.

Don Jorgensen adjourned the meeting at approximately 9:20 p.m. and the council entered into executive session.

Don Jorgensen, Mayor

Date

ATTEST:

Tracy Matthews, Clerk

Date

DRAFT