



**TOWN OF ALPINE
COUNCIL MINUTES
JUNE 21ST, 2005**

Mayor David Lloyd, called the meeting to order at 7:02 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, Steve Fusco, Don Jorgensen, and Kathy Swiston absent and excused. Also present Mayor David Lloyd. Others present: See attached list.

A. ACTION ITEMS AND NEW BUSINESS:

- **COUNCIL MINUTES:** Mayor Lloyd called for a motion to approve the June 7th, 2005 minutes and June 14th, 2005 Public Hearing Minutes for 126- Ordinance (FY 06 Budget). **D.R. Hutchinson motioned to approve the 6/7/05 Council Minutes and 6/14/05 Public Hearing Minutes for the budget. Don Jorgensen seconded. VOTE: 4 – Yes; 0 – No; 0- Abstain; 1- Absent (Kathy Swiston)**
- **PLANNING & ZONING MINUTES:** - *None Available – pending approval.* Treasurer Bennett advised she has been talking to Jim Pederson , planner, regarding possible contract work with the Town to update the Town's codes. Once the codes are updated, he may be retained for services. An appointment will be set with the Council and Planning & Zoning staff on a Thursday night.
- **PUBLIC HEARING: ALPINE MEADOWS PROJECT –PRELIMINARY PLAT APPROVAL-** Proposed subdivision will contain 177 developable lots on 104.89 acres, including 166- single family residential home-sites, and 8 business park lots, 3- mixed use lots, and 24 acres of open space.

Chris Hawkes, Attorney at Law for the Meridian Group: Mr. Hawkes advised the reason for tonight's meeting is to request preliminary approval for the Alpine Subdivision Plat due to the fact the project lies currently within the one-mile radius of the Town of Alpine; this plat is being pursued through the county's planning system. According to Hawkes the preliminary plat meets all the technical requirements for the State of Wyoming and Lincoln County for platting including land use tables, preliminary plat warnings, the certificate of owner sections, etc. Carter Wilkinson, Town of Alpine attorney, advised he had no concerns or questions with the plat. Mr. Hawkes and Mr. Halpin is looking for a motion to authorize the Mayor to sign the plat and resolution once the plat is approved by Lincoln County provided no substantive changes are made once the Council approves the plat. Any substantive changes made to the plat will be brought to the Town council again for review. Regarding the certificate of ownership, a couple of Lower Valley Easements, which are encumbering the property and will be called out on the plat, have not been completed as their surveyor has not had the opportunity to finish this section. These easements will be completed on the final plat and is the only addition or change to this document presented tonight. Mayor called for a motion and Steve Fusco questioned whether the meeting is for public comment. The Mayor asked for public comment. Steve Fusco questioned whether the plat was reviewed by the Town's Planning & Zoning Commission. Paula Stevens advised she was told this was not an item that would come before the Planning & Zoning Commission. The Mayor reminded everyone setbacks, etc. were discussed with the Planning & Zoning prior. Chris Hawkes advised they are not requesting any variances according to county standards.

Steve Chichinsky, Local land owner: Overall he believes the Alpine Meadows project will be good for the community and is not opposed to the project, however, expressed concerns regarding the potential annexation into the Town, boring under the river, and establishing a wastewater treatment plant on this side of the river. A primary concern is adding another waste water facility as he is a land owner with a parcel of land in River View Meadows which is above the Town's existing waste water treatment plant. Mr. Chichinsky provided a written letter dated 6/21/05 asking whether the proper impact studies and environmental studies are made available for government and public review in

order to insure, in good faith, all present and future large-scale developments comply, configure, and conform to the existing community and surrounding areas. At last night's Alpine Meadow PUD open house there were no impact or environmental studies available detailing how a project of such scale would impact the Alpine community and surrounding areas, according to Chichinsky. He is most concerned about the Alpine Meadows development proposal to drill under the Snake River in order to access Alpine's current waste water treatment area. The future demand for connections to the plant is also of concern to him and whether the proposed treatment facility will be properly sized. He feels there are a lot of questions remaining unanswered and/or undocumented. He questioned how the council can make a good decision tonight without being fully informed. He asked that all the EPA, environmental impact studies be provided to the council and public.

The Mayor advised that all of the 'bridges' Mr. Chichinsky mentioned will have to be crossed before the Alpine Meadows project can proceed. Mr. Chichinsky advised that he is required when seeking a Town permit to have 'all of his ducks in line' and questioned why there is any difference between this situation and large-scale developers. He cautioned the council and community to realize it isn't just Alpine Meadows but the future, continued development and feels the size of the Alpine Meadows project could be tripled in size for the real development coming our way. The waste from the development across the river will be coming to the Town's 17 acres of land. The information which is not available at this time is in regard to the discharge/ waste calculations as to how much will end up in the river. He asked the developer last night at the open house for this information and didn't receive this information. He would like to visit with the developer and maybe others would like to visit with them as well. Mr. Chichinsky voiced concerns of the exact location of the new waste water plant not only for his benefit but other surrounding home owners in River View Meadows. He stated, "we don't know how it will affect our lake views, quality of life, and will our subdivision will be allowed to hook into the system." Chichinsky questioned whether the facility will be used exclusively for the Alpine Meadows project and across the river projects. As land owners he voiced his right to know this information. He advised the developer, Mike Halpin, if he were to build a sewage treatment plant in front of his window he might pursue the same avenues as he is right now for information. He wished Mr. Halpin and the Meridian Group the best and mentioned he does want to see the project go through. Again, once all information is produced, Chichinsky believes all involved, including the public and council, can make an informed decision on the matter.

Mayor David Lloyd advised Chichinsky he was sure these items will be covered before the issue is over to which Chichinsky replied, "I hope so. I have not seen it so far. This man has been at this development now for several years." The Mayor David Lloyd advised this is only a preliminary plat consideration and a decision has not been made yet. Don Jorgensen advised the preliminary plat isn't covering the approval the new sewer plant to which Steve Chichinsky pointed out after reviewing said plat that the developer has attached information that states "water and sewer facilities provided by North Star Utility". Chichinsky asked to know exactly what this statement refers to. He offered the Council to consider, if they approve the preliminary plat tonight, to add conditions which requires the developer to provide every single study which then should be verified. Chichinsky strongly cautioned the Council and Mayor to protect the community.

Chris Hawkes, Attorney at Law/ Meridian Group: Mr. Hawkes reiterated the purpose of tonight's meeting is not to review the Alpine Meadows PUD or its site plan rather it is for the Mayor and Council to exercise its statutory right to give its preliminary approval to a subdivision which is located in Lincoln County, Wyoming. The matter before the council tonight is not roads, water, sewer, impact on infrastructures or utilities, or views it is simply the opportunity for the Town to review a plat being filed in Lincoln County, Wyoming. Mr. Chichinsky suggested studies that are required have not been completed or produced or obligations of the developer have not been fulfilled. Mr. Hawkes advised their PUD has been filed with the county under the new Lincoln County Comprehensive plan which requires multiple layers of studies to be done as a part of their application process. All of these studies required have been completed according to law and are contained within their PUD application and is a public record document within the Lincoln County Planner's office, according to Hawkes. With respect to concerns of boring under the Snake River an application has been submitted to the Bureau of Reclamation and is pending approval; all requirements for said application have been completed. There is no EPA study required for this project and if it were a requirement, the Meridian Group would complete and submit the study. In regard to the questions Mr. Chichinsky raises in regard to the proposed sewer treatment facility, Mr. Hawkes stated he talked with Town's engineer's office today (Nelson Engineering). The Town has already executed a memorandum of agreement of the proposed facility (executed on June 7th, 2005). He

suggested Mr. Chichinsky obtain a copy for his own review. According to Hawkes, dialogue will occur over the next 2 weeks with Nelson Engineering to insure the proper design, construction, and permits are completed. This dialogue will take into account all current and future development with the Town of Alpine to insure the plant is appropriately sized and operational. Mr. Hawkes invited Mr. Chichinsky to the Meridian offices to review all applications for the DEQ (full Chapter 23 application has been submitted), Forest Service Application, Bureau of Reclamation application, and the Lincoln County Application. This information is about 500 pages of information and studies which are all public record documents between the various agencies. Mr. Hawkes advised an open door policy exists for anyone to obtain information. The Lincoln County PUD has been forwarded to the Town of Alpine and with last night's open house they are trying to make every effort to make sure information is available, according to Hawkes. Again, Hawkes reiterated the fact the purpose of tonight's meeting to sign the plat, provided there are no substantial deviations, once Lincoln County approves the plat. Mr. Hawkes advised the annexation report completed by BBC Research has been completed and should be forwarded to the Town of Alpine as the Meridian Group has received a copy. The Town's copy has not been received to date and Mr. Fusco expressed concerns he would like to review the document before being required to vote as a council member. The clerk indicated she would check to see why the report has not been received.

Steve Chichinsky, Local Land Owner's reply: Mr. Chichinsky advised he should not be the only one requesting to review these documents- it is also for the council to review. Mr. Chichinsky questioned the mayor and council whether they have copies of the documents Mr. Hawkes referred to. Mayor David Lloyd advised the Council has not reviewed the documents but he has directly.

Steve Fusco, Council member: Mr. Fusco advised he would like to see the plat go through the Town's Planning & Zoning Commission as is it a zoning and planning issue and they are an advisory committee to the council. Mr. Hawkes indicated that they talked about this fact but according to Wyoming State Statutes the Town is not afforded a lot of 'discretion' when reviewing plats in the one-mile radius. Only infrastructure, streets, operational issues are included in this statute. Dictating the size of lots, for example, is not afforded to the Town of Alpine. Steve Fusco questioned Hawkes whether they plan to proceed with annexation to which Hawkes replied they are pursuing both tracts. Steve Fusco advised that if they are planning to annex into the Town of Alpine the Planning & Zoning should have an opportunity to review the plat. Mr. Hawkes, stated, "when and if we do come before the Town (for annexation) we have to submit a full PUD application for the Town that complies and satisfies the Town's zoning and planning regulations." The PUD application would go through the Town's planning and zoning process.

Paula Stevens, Alpine P&Z Commission: Paula Stevens advised, to her understanding, the PUD application was not going to go before the Planning & Zoning Commission. According to Stevens, Mr. Fusco's comments are valid if their intent is truly to annex this project at any time it is in their best interest for their project properly meet the Town's codes for annexation. By allowing the P&Z Commission to review the plat now, it may prevent future complications when they seek annexation into the Town. Regarding the Petition to annex and the Lincoln County PUD, Mr. Hawkes stated, "our position all along has been if and when we pull the plug on going forth with the annexation, we want the Town to annex the property fully entitled in whatever state of entitlement we bring it to the town. We have never suggested that we are going to give the Town a blank canvas that's going to be annexed into the Town and then subject to the Town's zoning and planning process; we have always been very straight forward and said this is going to be effectively a negotiated annexation where we come to the Town with the piece of dirt and say this is what we want you to annex but we are not going to give you the opportunity to lay down initial zoning or rezone it as part of the annexation process." Mr. Hawkes stated the Town's attorney, Carter Wilkinson, advised himself this issue did not need to proceed to the P&Z Commission.

The clerk requested that if and when the P&Z Commission will review something that the information be given ahead of time so that they can review the information. Mr. Hawkes advised he would insure both the P&Z and Council have ample time to review any information.

Mr. Chichinsky questioned whether the discharge calculations for the proposed waste water facility are available based on their subdivision's output. Mr. Hawkes indicated these are available. Additionally, Chichinsky inquired whether discharge calculations are available for those potential other developers who might want to hook onto their system to

which Hawkes replied these calculations are not available at this point and time. The agreement with the Town of Alpine contemplates a sewer treatment plant that is expandable to meet the future needs of any development the Town wants to allow. Mr. Chichinsky advised the Meridian Group does have alternative options to place the wastewater facility within their project based on information he learned at the open house last night. Mr. Reinhardt advised hangars are located under the Alpine bridge to accommodate a wastewater line across the bridge. Mr. Hawkes advised the reason the "bore line" is not located on the current plant is due to the fact the bore line property is owned by the Bureau of Reclamation which is under separate application directly to the bureau. After discussion with Mark Barron with the DEQ, Mr. Chichinsky was advised that one of the Meridian Group's sole purposes for boring under the river is because there is some concern with BLM where this location of the sanitation plant is. Mr. Hawkes advised that the DEQ has not expressed any concern as to where the site is being located and again reiterated the DEQ information is available for anyone's review; the DEQ's feedback to the Meridian group has been positive and encouraging.

Mary Flowers, local River View Meadows resident: Ms. Flowers questioned the Council whether there where any plans for a new sewer plant as the Town's current plant is sufficient for the Town's complete build out. The Mayor advised there are no future plans for a new plant; Sunrise Engineering guaranteed the existing plant was built to handle the entire existing Town's waste. Ms. Flowers disagrees that this plant will handle the Town's current septic owners. The Mayor advised the proposed, new treatment plant will be hooked to the present wastewater plant more than doubling the capacity. Flowers questioned whether any other future sites are available in Alpine on this side of the river for wastewater treatment facilities. According to the Mayor, the DEQ has indicated that if the Town has a designated spot than it needs to be used. Flowers advised the Town has only leased ground and Marlowe Scherbel advised the lease may be expanded. Flowers questioned whether the Town has it in their budget to put in a new or expand the Town's sewer plant to which the Mayor replied they do not. Ms. Flowers asked if the new plan goes through and the Town of Alpine annexes this property and others that we look now for the potential impacts of the build out and that the sewer plant is easily expandable. The Mayor advised a lot more meetings will be held regarding the issue. Mary Flowers stated Mr. Halpin's projects are class-acts and she just wants the record to reflect her concerns.

Steve Fusco, Council man: Mr. Fusco asked whether the Hwy 26/89 access to their project has been approved by WYDOT and Mr. Hawkes indicated it has been discussed and there are no concerns from WYDOT. Mr. Fusco again reiterated he would like to see the Planning & Zoning Commission review the information.

Don Jorgensen motioned to approve the preliminary plat review of Alpine Meadows. D.R. Hutchinson seconded the motion. Steve Fusco again voiced concerns Planning & Zoning has not reviewed the plat to which Don Jorgensen interjected it is just the preliminary plat. Chris Hawkes asked for the vote to be called. The Mayor called the vote: 3-Yes; 1- No (Steve Fusco); 0- Abstain; 1- Absent (Kathy Swiston).

- ***PUBLIC HEARING: Jeff Dupont - Western Land & Home, LLC- Lot # 29 GRVIL #2 TWIN HOME RE-PLAT:*** Replatting of existing Lot # 29 into two separate lots.- Marlowe Scherbel, Surveyor Scherbel Presenting Plat: Marlowe Scherbel presented the proposed plat for Jeff Dupont for Lot # 29 to be vacated to create two new lots with a Twin House concept in which each home will have a zero lot-line in the center of the two homes a shared, common wall. Marlowe Scherbel advised the lot was built to meet R-2 standards. The plat has been reviewed by the Planning & Zoning Commission. Marlowe Scherbel compared the various differences between Twin Homes, duplexes, condominiums, etc. Essentially, a Twin Home concept only has a common wall but essentially each owner has their own lot. Mayor Lloyd questioned whether the Town has a zero lot line ordinance to which Marlowe Scherbel clarified the Town does not have any ordinances which clarify Twin Homes, Condominiums, Townhouses, etc. There is property development standards for duplexes. Marlowe Scherbel referenced by a plat in which the Town of Alpine approved a row of Twin Homes along Parkway Drive for Linda Miller. Mr. Scherbel encouraged the Council to rectify their ordinances on these issues as they are not sufficiently addressed in the current codes.

Essentially, the Town's P&Z Commission, by unanimous vote, denied the replanting due to the fact there is lack of sufficient codes to allow a zero-lot line and the project doesn't meet setback requirements. Paula Stevens

advised there were three issues that stood out for the commission: 1) zoning is PUD, 2) the zero-lot line is not within the codes, and 3) the application came before the P&Z Commission for a simple building permit and at that time there was no intent to subdivide the property, and, therefore, zero lot lines did not apply to the permit as it was listed as a duplex and all setbacks were met. The P&Z Commission's recommendation is for denial at this time and for the owner to file a variance application for the Twin Homes. The lot does meet minimum lot size standards to subdivide according to Paula Stevens. Marlowe Scherbel clarified the zoning as PUD. The subdivision itself, Grey's River Village #1, was approved as PUD (Planned Unit Development). A few lots were left over for R-2 purposes and were specifically designed for this. Jeff Dupont advised when he applied for the building permit a hurdle they had to overcome was in regard to the fact that whomever calculated the lot size used truncated numbers which altered the true square footage. The actual plat was utilized and the lot size came in over 17 feet for minimum property standards to divide the lot into two parcels, according to Dupont.

If a Townhouse, duplex or Condominium concept is utilized a variance will not be required according to Stevens as current setbacks can be met. Marlowe Scherbel advised he is not trying to go around the P&Z Commission as they are following the same rules they've followed in the last ten years and asked the Council to approve the Twin Home plat. Since time has passed the concept of PUD has changed and can be interpreted different ways. Carter Wilkinson advised after talking directly with Marlowe Scherbel our regulations do not specifically deal with the Twin Home concept. The clerk advised this is not the only lot in question and asked that the zoning of this 'PUD' area be clarified by lot so the clerk's office can issue the right building permit applications, etc.

Brenda Bennett questioned whether a building moratorium for a year, for example, is in order to allow the zoning to be solidified. The clerk advised her zoning map for the Town of Alpine is a colored version which lists Lot #29 and others in this subdivision as PUD zoning. The clerk requested any written information from Mr. Scherbel which clarifies which lots were identified for R-2 usage. The clerk retrieved the Grey's River Village # 1 plat map filed with the county from the archive room and verified the zoning is listed as PUD. However, the plat does not further identify which lots were allowed for R-2 purposes, which were identified for R-1, etc. as, for example, the River View Meadows Subdivision plat clarifies all usage. A PUD according to current Town language is a parcel of land over 10 acres to be subdivided and within this subdivision, lots are identified for usage and zoning for each lot.

Mr. Hutchinson advised the council to back the Planning & Zoning's recommendation. Additionally, Mr. Hutchinson stated initially Mr. Dupont was not seeking a subdivision of land and changed his mind. He agreed a variance is in order. Marlowe Scherbel responded by pointing out the Town codes do not reflect a variance is in order and referred to the string of Town Homes along Parkway Drive as precedent. Mr. Scherbel agreed after reviewing the clerks plat for the subdivision and the River Meadows plat that there was not a lot of documentation advising which lots were intended for multi-housing.

D.R. Hutchinson motioned to approve the Planning & Zoning's recommendation to require Jeff Dupont to obtain a variance. Don Jorgensen seconded.

Mr. Dupont advised he would like to please the council and will take the path of least resistance; he does not mind seeking a variance. Mr. Dupont indicated his paperwork somewhere lists the property as an R-2 zoning. Mayor Lloyd called for the vote. **VOTE: 4-Yes; 0- No; 0- Abstain; 1- Absent (Kathy Swiston)**

The clerk cautioned the council and Mr. Dupont that some realtors are advising potential buyers as to zoning and usage of properties which may be incorrect. For example, a gentleman came to the office after being told he could build an additional 4-plex on the lot and when reviewing property standards he did not have adequate square footage. The clerk stated this may or may not be the case with Mr. Dupont referring to information he obtained that lists his lot as an R-2 usage.

Paula Stevens requested the clerk pull the minutes regarding the approval of the Grey's River Plat. For the integrity of the process we should try and do it the right way, according to Ms. Stevens. Essentially, the following was decided: 1) Twin Home concept- requires a variance, 2) Townhouse concept- requires a variance if

applicant cannot meet lot lines, and 3) Condominium Concept, if the garages are held in common ownership, would work without a variance.

Mayor Lloyd recessed the meeting at 8:31 p.m. and the meeting resumed at 8:39 p.m.

- **LETTER ENDORSING ALPINE MEADOWS PROJECT/ NORTH STAR UTILITY:** Mayor Lloyd presented a draft letter to the Council and asked their permission to sign the letter on the Town's behalf. He was asked by Mr. Halpin to formulate a letter addressed to the Bureau of Reclamation regarding the water and sewer connections under North Star Utility for the Alpine Meadows Project. **D.R. Hutchinson motioned to approve the letter for the mayor's signature. Don Jorgensen seconded. VOTE: 4- Yes; 0- No; 1-Abstain; 1- Absent (Kathy Swiston).**

- **SNOWEST 2005-2006 SNOWMOBILE MAGAZINE AD/ CANCELLING AMERICAN SNOWMOBILER:** The clerk advised after talking with Cindy Haberberger (present tonight) and various business owners, the American Snowmobiler Ad didn't seem to be such a wise investment compared to the SnoWest Ad. The Town, along with business contributions, spent \$3,940.00 on the SnoWest/ Western Guide Publication. The clerk is requested \$2,000.00 in Town contribution toward the ad in SnoWest/ Western Guide Publication. SnoWest gives us a 10% discount. According to Haberberger the ad runs around \$4,400.00 total.

D.R. Hutchinson motioned to approve the necessary funds for the 2005-2006 SnoWest Magazine ad and cancel the American Snowmobiler ad. Don Jorgensen seconded. VOTE: 4-Yes; 0- No; 0- Abstain; 1- Absent (Kathy Swiston)

Ms. Haberberger thanked the council for their support on behalf of all businesses.

- **2nd Reading: 125-Ordinance No. 2005 – 15:** Lakeview Estates Tract C Rezoning (Urban, Songer, Vasko, and Raver properties – Lots 616 N/2, 615, 616 S/2, and 614): Mayor Lloyd read the ordinance through the title and first paragraph. **Don Jorgensen motioned to approve 125-Ordinance No. 2005-15. Steve Fusco seconded. VOTE: 3- Yes; 0- No; 0- Abstain (2 – Absent D.R. Hutchinson and Kathy Swiston)**
- **2nd Reading- Public Hearing-126- Ordinance No. 2005-16 2006 Fiscal Year Budget/ Amending:** Steve Fusco questioned how the new planner would be paid for and Brenda Bennett, Treasurer, advised that a \$50,000 CD will be cashed in. The Mayor suggested we try to hire someone and due to the fact the Town's road bids were significantly lower than expected this CD can be used elsewhere. There is no choice in the matter the Town must address this issue. For the 3rd Reading of this budget it will reflect hiring a planner. The first step is to bring the planner here to meet the Town and discuss the fees. Mayor Lloyd read the proposed budget ordinance through each section. Mayor Lloyd called for comment and none was received. **D.R. Hutchinson motioned to approve the 2nd Reading 126- Ordinance No. 2005-16- 2006 Fiscal Year Budget. Don Jorgensen seconded. VOTE: 4- Yes; 0- No; 0- Abstain; 1- Absent (Kathy Swiston)**
- **232-Resolution No. 2005-01-06-21-2005 - CDBG (Grant Child Development Center):** Mayor Lloyd read the resolution in its entirety. **Steve Fusco motioned to approve 232-Resolution No. 2005-01-06-21-2005. D.R. Hutchinson seconded. 4- Yes; 0- No; 0- Abstain; 1-Absent (Kathy Swiston)**
- **233- Resolution No. 2005-02-06-21-2005- WY Community Foundation Grant CIC:** Mayor Lloyd read the resolution in its entirety. Steve Fusco expressed excitement over seeing the CIC information given from Charlene Bucha Gentry regarding the CIC. **Steve Fusco motioned to approve 233- Resolution No. 02-06-21-2005. D.R. Hutchinson seconded. VOTE: 4-Yes; 0- No; 0- Abstain; 1- Absent (Kathy Swiston)**
- **234 – Resolution No. 2005-03-06-21-2005 Community Foundation of Jackson Hole – CIC:** D.R. Hutchinson read the resolution in its entirety. **Don Jorgensen motioned to approve 234- Resolution No. 2005-03-06-21-2005. D.R. Hutchinson seconded. VOTE: 4- Yes; 0- No; 0- Abstain; 1- Absent (Kathy Swiston).**

- **TERRACE LANE:** June 17th, 2005 FAX FROM DAVE DOBLER- This item will be TABLED until the next agenda as the Council has not had a chance to review the letter. Page 6 needs to be replaced and the clerk will try to get it refaxed. Shawn Bard asked for a copy of the letter and the clerk provided her own copy. **Steve Fusco motioned to TABLE this item to the next agenda. Don Jorgensen seconded. VOTE: 4-Yes;. Don Jorgensen seconded. VOTE: 4-Yes; 0-No; 0- Abstain; 1-Absent (Kathy Swiston); 0- Abstain; 1- Absent (Kathy Swiston)**
- **TERRACE LANE:** Further discussion for Shawn Bard- The Mayor turned the meeting over to the Town of Alpine's attorney, Carter Wilkinson, and Marlowe Scherbel. According to Wilkinson, the Town's recommendation at this point is not to allow a driveway or road to be built as there are too many issues at this point. Lot lines need to be cleared and the matter needs to be settled once and for all before any driveways are installed. Shawn Bard inquired what the state law is regarding a Town land locking someone and denying someone access. According to Wilkinson, there is no law requiring you have access when you buy a piece of land that is why the private road act exists. According to Bard this process has already been completed by the plat being filed and accepted by the Town of Alpine council. According to Bard the Town is required to maintain and provide access to his property. Bard advised he is a landowner who is being denied access and does not have reasonable access to his property. According to Bard he has only access to Lot # 238 and not Lot # 239. According to Marlowe Scherbel, the court case from a few years ago indicated the road cannot be moved until all parties agree to which Mr. Bard agreed. Mr. Bard stated he is not asking the road to be moved rather he is asking to install a driveway to access his property. Because of all the variables, the past court case included as well as not settling anything as far as the Town claiming anything, Mr. Scherbel advises the best scenario is to hold fast and look for a long-term solution and not a short term solution. Marlowe Scherbel advised the Council and Mayor he did not know what the side effects or consequences will be if the Town allows Mr. Bard to proceed with his driveway installation.

Mr. Bard advised he is the only landowner in this subdivision which needs access; everyone else has access. Legally, according to Scherbel, Mr. Bard's land is not "land locked" as it exists on the plat his lot borders a road otherwise the title company would not have given a clear title to the property. Mr. Scherbel cautioned he is not an attorney and that is opinion. As far as Mr. Wilkinson can surmise, the road has never been dedicated or quiet titled to the Town of Alpine. The issue for the Town hinges on the fact this road must be quiet titled to the Town of Alpine. The Town may not own the road to legally grant permission for Bard to install a driveway. Due to errors in surveying from the 'beginning of time' there are many issues which affect Bard's property. Wilkinson advised Bard the issue is not an instantaneous fix. Mr. Bard advised Wilkinson his desire for access is not an 'instantaneous' want or need as he's dealt with the issue has for 4 years. D.R. Hutchinson advised the issue is over 20 years old and based on the 2001 court ruling the agreement was the Town of Alpine would maintain the road in its present condition in its current location until Terrace Drive was found in its proper location. Mr. Hutchinson questioned why the proper road couldn't be installed in its correct location. D.R. Hutchinson advised Bard he was allowed to buy the property as he owned land next to Lot #238 and this information was obtained from Lincoln County. Mr. Bard asked Hutchinson to provide this in writing. Mr. Bard advised Hutchinson he had two weeks to obtain all that he needed to prove his statement as he would bring his bank and title representatives to the next council meeting. Mr. Bard advised that due to the fact Hutchinson lives on Terrace Lane he should abstain from the discussion when sitting behind the council table and should come around the table to talk as a citizen as it is a conflict of interest. Mr. Bard questioned Wilkinson whether Hutchinson should be discussing the matter at a council meeting. Mr. Wilkinson advised that Mr. Hutchinson can discuss the matter but there is no formal decision on the matter being made tonight.

According to Wilkinson unless everyone signs off on the moving of the road it should stay where it is according to the last court ruling. Mr. Wilkinson advised there are ways to keep the road where it is, satisfy most land owners, and provide Bard access to his property. However, this is not going to be quickly remedied and we must find the solution which will solidify the issue and put it to rest. The clerk commented that other areas of the Town, Grandview Enterprises and Lakeview Estates, have had similar issues with property boundary disputes. The residents in these areas banded together, agreed upon new lot lines, vacated old lot lines, and filed a new plat which cleared the issue. The clerk asked whether arbitration between property owners has been pursued and what is the clearest and quickest way to resolve the issue. The clerk also questioned what happened to the option

of pursuing a quiet title action. Randall Luthi, Attorney for the Dustins, has indicated he would like the quiet title action pursued and then the road moved to where it should be. Marlowe Scherbel advised that creating a new plat with the agreement and consent of the new land owners is an option, however, the issue of the court case still exists which would create two roads for the Town to maintain. Getting everyone to agree in the other cases has been easier according to Scherbel than this area. Bard advised the Council to look at how much its going to take to go through a law suit compared to searching to find a legal agreement for the short term which allows him to install a driveway, maintain it on his own, etc. Marlowe Scherbel advised there are no short term solutions and clarified the quiet title action. There are a number of different surveying opinions which indicate where the road should be and Mr. Bowers, the Town's former attorney, suggested the Town file a quiet title action which the Town picks where the road should be. This quiet title action would be filed if any of the land owners are in disagreement. Mr. Bowers left the Town's services and with the new attorney being hired the issue has not been of top priority and Scherbel advised maybe it should be more of a priority for the Town. Marlowe Scherbel advised the Council and Mayor they should meet in executive session as it may concern potential litigation and land issues with their attorney to see which direction they want to proceed. Mr. Wilkinson advised that Mr. Bard must realize that to resolve the issue will take his cooperation and the other land owners as well. Mr. Bard was agreeable to the council reviewing the case and advised he appreciated everyone's time in trying to resolve the issue. Mr. Fusco questioned whether Bard was able to obtain the person's name and phone number he contacted in Cheyenne. Mr. Bard indicated he didn't get the phone number and name. The Mayor, Council, Marlowe Scherbel, and the Town's attorney agreed to hold an executive session this Thursday, June 23rd, 2005 following the county commissioner's quarterly meeting regarding Terrace Lane options.

B. DEPARTMENT UPDATES:

- **STREETS & ROADS:** Mr. Fusco questioned whether Silver Star Communications is trenching across the newly maintained roads. The Mayor advised they are to bore under the roads. Mr. Fusco also stated that Silver Star Communication's franchise agreement needs to be reviewed with the Town of Alpine to which the council all agreed it should be updated.
- **SEWER DEPARTMENT:**
- **WATER DEPARTMENT:**
- **PARKS & RECREATION DEPARTMENT:** Mr. Fusco asked whether someone has stepped forward to assume the administration of the Mountain Days Celebration and offered possibly the Parks & Recreation assume this responsibility. Mayor Lloyd advised Marge Grover, to his knowledge, has found 2-3 individuals to take over the celebration.
- **PLANNING & ZONING COMMISSION:**
- **POLICE DEPARTMENT/COURT:**
- **PERSONNEL/ ADMINISTRATIVE:** Don Jorgensen advised that Val Jensen really does need to have his own cell phone and the cost to add the phone be researched. Mr. Jorgensen also questioned whether the Town of Alpine has any accounts with the Bank of Jackson Hole to which the Mayor replied the Town does not. He would like to discuss with Brenda Bennett moving some accounts to the new bank.

C. ON-GOING BUSINESS/ INFORMATION:

- JUNE 4TH, 2005 EMAIL – CHARLENE BUCHA GENTRY MAY 2005 CIC UPDATE
- JUNE 15TH, 2005 LTR. MARY CROSBY ---PROPOSED BOARD TRAINING IN SEPTEMBER—TOPICS PARLIAMENTARY PROCEDURE, DEALING W/ DIFFICULT PEOPLE, ETC.
- 6/17/05 WAM NEWSLETTER – GEORGE PARKS

D. INFORMATION DISTRIBUTED TO COUNCIL:

E. FINANCIALS/ UNPAID BILLS:

Mayor Lloyd called for a motion to pay the bills. D.R. Hutchinson motioned to approve payment of the unpaid bills. Don Jorgensen seconded. VOTE: 4- Yes; 0- No; 0- Abstain; 1- Absent (Kathy Swiston)

D.R. Hutchinson motioned to adjourn. Steve Fusco seconded. VOTE: 4-Yes; 0- No; 0- Abstain; 1- Absent (Kathy Swiston)

Meeting adjourned at 10:03 p.m.

David H. Lloyd, Mayor

Date

ATTEST:

Tracy Matthews, Clerk

Date