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**TOWN OF ALPINE  
COUNCIL MINUTES  
DECEMBER 6TH, 2005**

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Mayor David Lloyd, called the meeting to order at 7:03 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 Shirley Brown. 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 November 15th, 2005 Council Minutes. **D.R. Hutchinson motioned to approve. Don Jorgensen seconded. VOTE: 5– Yes; 0 – No; 0- Abstain; 0- Absent**
- **Planning & Zoning Minutes:** TABLED - October 25th, 2005. The mayor advised, after confirming with the P&Z Commission secretary and clerk, the council and P&Z Commission agreed that a P&Z representative is necessary at council meetings if a commercial building permit is being reviewed or if there is a question on the regular minutes. Mr. Hutchinson feels the minutes are not up to date. The clerk advised the October 25th, 2005 minutes were tabled by the council in November and only one P&Z Meeting was held in November 2005 and the secretary was on vacation during the Thanksgiving Holiday for a week. **D.R. Hutchinson motioned to remove as a tabled item. Don Jorgensen seconded. VOTE: 5-Yes; 0- No; 0- Abstain; 0- Absent .** The clerk requested clarification whether the minutes would be approved as this usually is the case. The mayor asked for a motion to approve the minutes as well. **Don Jorgensen motioned to approve. D.R. Hutchinson seconded. VOTE: 5- Yes; 0- No; 0- Abstain; 0- Absent**
- **Sled Dog Race Update-** Kathy Jenkins, Chairman of the Alpine stop, advised the \$360.00 raised from last year's race was given to Lincoln County Public Health for Alpine children needing financial help for immunizations. So far, twenty (20) banners have been sold by Sally and Lynn of the Bank of Alpine for this year's race; the money gathered from the banners will give the necessary funding to purchase the advertising for the community. Kathy encouraged anyone with advertising ideas to contact her as a one-page ad will be reserved for Alpine if enough money is raised as well as space on the race's website. Kathy Jenkins advised this advertising is the first for Alpine as the community must pay for it. **The potluck dinner will be held Tuesday, January 31st, 2005 at 6:00 p.m. at the Alpine Civic Center.** A live band provided by the race committee will be playing that night and local businesses have been contacted for door prizes. The mayor will give a welcome speech and he will determine if medals will be given out the same as years past; he requested a list of mushers. Ms. Jenkins obtained a Forest Service Permit to place a tent at the Start/ Finish line for hot drinks. She requested families to step forward to house the mushers; anyone interested can contact Cassie Reed at 654-6078; they are asking for 25 homes. Julie Buckley and Sue Itner are the race's school representatives and may hold a 4th grade assembly to learn about the race and mushers. Posters will be created to post at area schools for the Junior sled dog race for children in 4th grades through 12th grade are eligible to enter. Three participants will be selected. **The start of the race will be Wednesday, February 1st, 2005.**
- **Lincoln County Public Health-** Emergency Preparedness/ Need Critical Staff List—Nancy Fox: The focus of tonight's meeting is to cover "Pandemic Preparedness" and provide an update on the Public Health office.

The public health office has moved in with the Sheriff's department located at 421 Jefferson Street, Afton. Ms. Fox reviewed services offered by the department which include vaccinations, maternal wellness classes, and a diabetes

support group currently held at the hospital which may be extended to the Alpine area if the demand is great enough. Additional services include completing nursing home assessments or "LT-101's" for elderly persons needing nursing home care and medical care as well as wellness checks for premature infants. Ms. Fox advised she is not a nurse, however, her background is in environmental health and safety. Ms. Fox questioned whether the council would like to review her 15 minute slide show or the 5- minute review version covering the pandemic bird flu. The mayor and council opted for the shorter version.

According to Ms. Fox, the bird flu is a new virus that there is no immunity to it; for a "pandemic" to occur three things are needed: 1) a new virus that's never been seen before, 2) has to be "nasty" in that it kills or maims people (the bird flu virus is killing 50% of the people it infects), and 3) the virus must be easily infectious among people (this has not occurred yet and the world is watching this closely). Approximately 133 cases of the bird flu have occurred in Asia. Once the virus is easily transferred from person-to-person in Asia, it will quickly spread to other continents creating a pandemic. Three pandemics have occurred in the last century with the most recent in 1960's, 1950's, and in 1918. The 1918 pandemic of the Spanish Flu killed 100,000's across the world, much more than the Tsunami incident, for example. Lincoln County Public Health has been preparing for quite some time for a pandemic; a table-top exercise was conducted last year with local and area officials to determine who would be given the vaccine initially until such time as the vaccine is mass produced. It was determined in order from first to last the vaccine would be distributed as follows: 1) health care providers, 2) Fire fighters, law enforcement and public safety officers, 3) essential service providers, and 4) General community- people with adverse health conditions. If a pandemic occurs, the table-top exercise reviewed all scenarios which would affect the community and county including transportation of goods into the community such as truck drivers. Rural areas are easier to isolate. Ms. Fox needs a list from Alpine which identifies the critical care list; she has high-lighted people on the Town's personnel list and will return the list.

With a pandemic usually it appears in waves; after the first wave, a second wave comes approximately 6 months later and in the 1918 Spanish Flu pandemic the second wave killed many more people. In 1918 16 people alone in Star Valley, Wyoming were killed including one doctor. Ms. Fox recommended a book titled "The Great Influenza" by John Barry. Public announcements will be coming. General precautions such as washing hands, staying home, telecommuting, etc. will be very relevant for general infection control in the event of a pandemic. The regular flu shot available will not protect against the avian influenza. Ms. Fox distributed preparedness brochures for home use. The Star Valley Hospital has two isolation chambers within the hospital in case of a pandemic for people who actually become ill. Quarantine means you have been exposed to someone with the flu to see if the person develops the illness. Domestic poultry is a haven for influenza and in Asia the people live closely with their livestock. An article recently published in the National Geographic magazine is also interesting covering the Asian flu. Ms. Fox provided the Town with a NOAA weather radio which will broadcast disaster information also; 4 of these radios will be distributed throughout the county. Brochures covering the pandemic preparedness and any of the public health services can be obtained directly from the public health office or can be mailed to anyone.

- **Lighting for Subdivision Entrance – River View Meadows-** Bill Flowers approached the council and mayor to request they look into lighting the 4 entrances to the River View Meadows Subdivision. At their last homeowner's association, the owners identified the lack of entrance lighting as a safety issue. Approximately 50-55% of the subdivision is built-out increasing the traffic flow, number of children, 4-wheeler and snow machine use. It has become very dangerous to slow down to enter the subdivision. At night the danger increases of anyone traveling north bound and turning into the subdivision. He proposed the council look into the matter and initiate discussion with Lower Valley Energy. Mr. Flowers suggested the Town lighting be extended from the business district for a cohesive effect and was not opposed to other lighting options. (clerk's note additional discussion occurs later in the minutes)
- **Discussion Alpine Meadows Project Proposed Wastewater Treatment Plant—**Mary Flowers  
Ms. Flowers advised at the last annexation meeting held last Friday, it was stated the Town "dropped the ball" on the annexation; she expressed confusion as to what this meant. The mayor stated, "We dropped the ball to a certain degree on the annexation, however, Mike dropped the ball as much or more than the Town did." The time on the annexation was left to expire and Ms. Flowers questioned why the annexation is now an "emergency" and it is now in

a hurry because there is money at the state level for Mr. Halpin. Don Jorgensen advised they want money for the Town from the state not just for Mr. Halpin and the grants are time-limited to improve our sewer system; the sewer system must be improved whether Mr. Halpin is involved or not. According to Jorgensen the sewer department is not up-to-date and here is an opportunity to get some extra money for the city only. Ms. Flowers disagreed and referenced comments made by Mr. Wooden at the last annexation meeting regarding the fact that the River View Meadows developers were responsible for all of the ground work prior to annexation. She questioned why the Alpine Meadows developers are suddenly in a hurry and have to rely on the Town to bring their sewer plant over to this side. The water issue is resolved and a sewer site location has been determined in the Alpine Meadows Subdivision on the other side. Ms. Flowers questioned what would happen in the event of an earthquake to the sewer pipeline to be located underneath the Snake River. According to the mayor, in the event of an earthquake locating the pipeline under the river is safer than over the bridge and has been done many, many times before.

Ms. Flowers questioned why the Town allowed the Alpine Meadows final plat to be approved without the sewer and water infrastructures being in place to which the mayor replied, "sewer and water have nothing to do with a plat of land." Ms. Flowers advised he is selling property without sewer and water being finalized. The mayor advised deposits on the sale of the lots have been received but none of the lots have been officially sold; the closings are set for March 2005. Again, Ms. Flowers advised the deadline of the February 2006 grant money is important for Mr. Halpin in order to sell his lots. Again, Ms. Flowers questioned why the Town has to be in a hurry for Mike Halpin.

According to Mayor Lloyd after discussing the feasibility study, Mr. Halpin has advised he will pay for the feasibility study for the sewer department. Ms. Flowers feels the Town will be then linked to Mr. Halpin again and encouraged the mayor to obtain this in writing. Mr. Lloyd advised that if Ms. Flowers was on the council she could demand this requirement of the developer and advised he asked for this in writing today from Mr. Halpin. Ms. Flowers advised she doesn't trust Mr. Halpin due to the fact at one point he advised her and her husband he was going to build the new sewer plant and then later asks for grant assistance. According to Mayor Lloyd Mr. Halpin will be spending at least \$2,000,000.00 to put in the infrastructure and sewer and impact fees will need to be discussed. At the last meeting the only thing which was agreed upon was to do a resolution to negotiate with the developer over water and sewer. Ms. Flowers this feasibility study should have been pursued along time ago.

According to Mayor Lloyd, Mr. Halpin has an application into to DEQ to place a small sewer treatment plant on his development site. This sewer treatment plant would get the project started and would not be big enough to furnish the entire build-out of the project. Ms. Flowers stated, "Don't get me wrong. I am not against Halpin doing his project. I am against him coming over here and ruining the Town of Alpine and I'm against him coming over here when he can do his own sewer system and his own water over on his own side." Ms. Flowers feels the ball is in the Town's park and that Mr. Halpin needs to play ball with the Town. The mayor and council agreed with Ms. Flowers and fully intend not to let anything go. Mr. Fusco advised his concerns are with the Town of Alpine and since he is not within the Town of Alpine boundaries. The Northstar Utility will regulate the rates of the water on that side of the river and anyone he serves. Ms. Flowers asked if the council and mayor would allow Mr. Donn Wooden to speak.

**Donn Wooden, local resident/ former mayor:** Mr. Wooden feels there is a lot of misunderstanding on many issues. Any developer should fully bear the cost of his development and shouldn't be shared on this side of the river. He feels it is out of line not to annex this new development; he feels many have misunderstood Mr. Halpin's intentions and he believes he no longer wants to annex into the Town. His perception is that Mr. Halpin has had much more experience than anyone from the Town. Mr. Wooden advised the Town has been through annexations prior and stated that usually a developer will come to the table in the beginning offering something to the community as a result of their impact on the existing community. Offering to buy a new fire truck, or build a new fire station, or build a library is commonplace. Mr. Wooden feels the project has to be annexed as the 8 mil tax levy is the only off-set financially the Town will receive as a result of the impact to furnish police, fire, etc.

The community should be one and whole and not divided. In Mr. Wooden's opinion the North Star Utility company has taken in virtually everything on the north-side of the Snake River as a control point. Mr. Wooden likens the game with the developer as chess game. Mr. Wooden objected to the formation of North Star Utility Company by written letter to the PSC and was interviewed by telephone conference. According to Mr. Wooden, Mr. Halpin advised him

during this meeting that he was missing the "bigger picture." Mr. Wooden stated, "The bigger picture ladies and gentlemen is should we just let him buy Alpine's water and sewer system and run it all through North Star Utility. Does that make sense?" Mr. Wooden feels the development has been down-scaled considerably and feels it to be compatible with the community as proposed. In the beginning, 3-story apartment buildings were to be sold to Jackson merchants to house employees. Mr. Wooden has issues with Mr. Halpin's project tying into the Town's existing sewer system. If this is the case and he is allowed to tie in, annexation should occur regardless. He feels the developers should bear the entire burden and expense to service the community across the bridge. The North Star Utility would encompass Leon Livingston Subdivision (Old Alpine), and Lazy B Subdivision (Old Alpine). The Alpine Village Subdivision would be too expensive to include at this point. Mr. Halpin by buying our water, if this will be the case, will help the Town in that he will prove to the state's water commission there is a need so we will receive the grants to facilitate the increase in water production. Mr. Wooden questioned a letter dispersed at the last meeting, which wasn't widely available in his opinion, which indicates the water would be provided at "no cost" and then scratched out to read "at cost". Mr. Wooden stated, "What is the cost? Can he buy this water wholesale then turn around and sell it back to them. In other words he is going to be charging a rate to equal to what we pay over here." Mr. Wooden advised that during the time the Alpine Water System was created a minimum of 100 water users was and at least \$200.00 per person in order to form the system. There was only 60 people on the system and several users, therefore, signed up for two connections. The money was collected and deposited to the US Government that the system would repay its debt.

Mr. Wooden feels everyone has an investment in this current water system and the sewer plant was given to the Town of Alpine by the River View Meadows developer. Septic tanks would have been allowed to be installed; however, the developers and the DEQ agreed a wastewater plant was a better option. Mr. Wooden advised as a personal, current investor in the Town of Alpine sewer district, he feels it is a little bit unfair to let a huge developer come and sidetrack the annexation issue and take control as North Star Utility. The North Star Utility can control the whole "show" according to Mr. Wooden. He feels when it comes right down to it, he doesn't need the Town and the Town doesn't need the developer in this situation except for the fact an easier door may be available for the developer. Mr. Wooden realizes that since the moratorium was lifted, annexation for the developer is no longer essential to moving forward with the project; the developer has the county's approval to move forward. Mr. Wooden stated, "As far as I'm concerned you don't need any planner. Once North Star utility controls everything on that side of the river. What do you have a planner for?"

Mr. Wooden asked the mayor and council to allow the 50% of people attending the council sessions to vote as they care deeply about this community. He feels these individuals should be included and will most likely come on board to the notion of annexation if they realize their fire insurance may go down. The Town will benefit from increasing its 8 mil tax levy and annexation. Mr. Wooden stated, "I don't think that once Halpin's project is done, I don't think he should be controlling the water. Because the ultimate control on the water and the sewer will come with the power of North Star Utility. It's a natural fact. It just the way it is. We will be much smaller than they are."

**Mary Flowers, local resident:** Ms. Flowers questioned Mr. Wooden regarding the 8 mil tax levy. Mr. Wooden advised the only way the Town will gleam the tax revenues from the 8 mil tax levy is to annex the property into the incorporated boundaries of the Town of Alpine. As it stands now, according to Mr. Wooden, they are not planning on being annexed.

**Mayor David Lloyd:** Mr. Lloyd read a letter dated November 16th, 2005 which he received while in Casper (see attachment A). The letter essentially summarizes the effort to annex last year and that unfortunately the time period prescribed by statute for consideration of the petition expired before the Town had an opportunity to formally decide the issue. Mr. Halpin, on behalf of the Alpine Junction, LLC conveys in this letter their willingness to cooperate once again with annexation should the Town desire to initiate such proceedings. The letter also states that each owner by accepting the deed to a lot in this subdivision, each owner consents to annexation in the Town of Alpine. They believe the time to reconsider annexation might be sometime in the coming spring or summer, once a number of the lots have been deeded to individual owners and infrastructure construction is underway.

**Mr. Donn Wooden, local resident/ former mayor:** Mr. Wooden acknowledge the pledge in writing for annexation from the developer, however, to Mr. Wooden's knowledge nothing has been offered or "gifted" to the Town regarding this project whether it be water and/ or sewer infrastructure. To Mr. Wooden's understanding, Mr. Halpin is not offering to gift anything but rather to sell it back to the community at a later date. Mr. Wooden stated, "I think that is a travesty. For him to take grant money, for him to be able to make a profit on everything over there is fine. But not at the expense of the Town having to buy that back." Mr. Wooden feels the developer should consider gifting this infrastructure to the Town, especially after a depreciation which occurs over a ten year span for example.

Mayor Lloyd advised he totally agreed with Mr. Wooden and that the fact the Town has not even come close to negotiating this as far as the Town purchasing anything. Mr. Lloyd stated, "If he is going to charge his customers over there to recapture his infrastructure then he has already been paid. Am I not right? And he should turn it over to the Town." Mr. Wooden feels this turning over the infrastructure should be done before one bill is paid. Mr. Fusco asked that Mr. Halpin should be here so they can ask questions.

Mr. Lloyd feels Mr. Halpin does want to be annexed and things should be negotiated. According to Mr. Wooden what Mr. Halpin is writing is not congruent to what he has been saying regarding annexation. If the project remains under the control of North Star Utility and the lots are sold, Mr. Wooden feels, like any developer would, they will leave and continue to receive money from the water payments or the Town should pay for the system; similar statements have been made by the developer to this effect according to Mr. Wooden. According to Mr. Wooden during the telephone conference hearing, Mr. Halpin asked Wooden several times whether the Town of Alpine has the money to install his infrastructure for him. Again, Mr. Wooden advised the developer that he had the money to install the infrastructure and could gift this to the Town of Alpine like other developers. Mr. Wooden expressed disbelief how a larger developer such as Mr. Halpin cannot offer this to the Town of Alpine. Steve Fusco advised this similar process was done by Paul Scherbel in Afton with his Rockbridge Subdivision.

Mr. Wooden knows that Mr. Halpin is a shrewd, sharp businessman and is worried the Town will "give away the farm" and conceded the intent is not to do this and cautioned the council and mayor. The caveat according to Mr. Wooden should be that in order to tie into our sewer system or utilize the land on this side of the bridge, he must proceed with annexation now before it's even started. Again, Mr. Wooden reminded everyone there are still many residents in the Town of Alpine which need to be added to the sewer system in the Town of Alpine.

**Mary Flowers, local resident:** Ms. Flowers questioned why the Town is in such a hurry to file a grant by February 2005. She doesn't feel it's appropriate for the Town of Alpine to assist Mr. Halpin and should be for the building of the Town of Alpine. Mr. Lloyd advised it is for the Town of Alpine. Ms. Flowers questioned why the annexation meeting for Mr. Halpin was held last Friday night only a few days before tonight's council meeting. According to the Mayor, the special meeting Friday night in question was determined after Mr. Halpin tried during the month of November 2005 to get on a council agenda and was denied due to the renewal of the Bull Moose Liquor License and could not fit him in. She questioned why it was a "special, emergency" meeting and couldn't be put on tonight's agenda.

Mr. Fusco asked why Mr. Halpin wasn't present tonight to answer questions and read tonight's resolutions to which the mayor replied he wasn't asked to attend and the council voted to do these resolutions. Mr. Fusco advised he still doesn't know exactly how Mr. Halpin is getting his water and Mayor Lloyd advised he is getting it from Abi Garaman.

**Troy Johnson, local resident/ former council member:** Mr. Johnson questioned why a feasibility study is needed as the current sewer plant is at 75% of capacity. He feels pursuing a new treatment plant in the next year or next budget session would be better. If Mr. Halpin is footing the bill for the feasibility study to satisfy his own needs, Mr. Johnson questioned why the Town officials are bending over backward to accommodate and satisfy his needs. If the Town sells Mr. Halpin their water and the North Star Utility, in-turn, is selling the water at a higher rate, Mr. Johnson questioned why would he ever want to annex. When RVM gifted the Town of Alpine a sewer plant and due to the fact it didn't work correctly a larger sewer district had to be created. Mr. Johnson and his family have paid over \$4,000.00 to create this larger district. Many developers have promised the Town several things without delivering what they promised; he referenced Jack Marton and the fact that the RVM Wastewater plant wasn't built correctly and the district had to be expanded to bring more users on-line. Mr. Johnson questioned why this larger developer who is

capable of so much is not offering to put all of this under contract and in writing, including annexation. Mr. Johnson advised he is tired of paying the costs when these developers do not follow through on promises, including the fact water bills will raise in one year's time. Mr. Johnson questioned who is going to pay for the third well that is proposed. The third well is there to benefit developments as the Town already has surplus water. Mr. Johnson advised and asked the council to make sure they make the developers follow through on promises which is their responsibility. The developer according to Johnson will make millions on the profit of this development which local residents will not, and, in turn, should turn the infrastructure over to the Town once it's developed. The developer wants the police, fire, ambulance, and snow plowing services yet isn't providing any compensation. Mr. Johnson advised the Town should only get grants for the Town and not for other developers.

Mayor Lloyd advised Johnson the Town's engineer will explain why the feasibility study is needed. Mr. Johnson again reiterated this was explained to him by the engineer last Friday night, however, didn't feel the feasibility study is an emergency. Steve Fusco indicated that Leon Kjellgren, Town of Alpine Engineer, advised the feasibility study should be for the Town's use.

Mr. Lloyd asked Mr. Johnson to show him any town in Wyoming which the water and sewer bills are not raising and it isn't just due to a development. If the Town of Alpine is going to triple in size due to one developer, then Mr. Johnson feels his sewer and water bills shouldn't go up. D.R. Hutchinson advised that the development of a third well will be for Town use in case one of the Town's wells or pumps goes out. Again, Mr. Johnson advised the water bills are bound to go up in order to purchase the well once it's developed and also reminded the council and mayor they are considering selling the Town's surplus water to a developer who isn't pushing to become annexed and be a part of the Town. The surplus water will be sold to a utility company—North Star Utility. Mr. Johnson believes the sale of any surplus water should be determined beyond the 5 people sitting at the table and a couple of hurried meetings to determine the issue.

Ms. Flowers questioned how much money was spent on the Bull Moose Saloon lawsuit to which the Mayor asked that the topics on the agenda be followed. Mr. Lloyd advised Flowers that he called the meeting on Friday night and not Mr. Halpin as he felt it necessary to address the issue at that time. Mr. Fusco advised the meeting with Mr. Halpin required the topic to be focused on the development alone.

**Lenny Sorenson, area resident:** Ms. Sorenson inquired why the Town of Alpine couldn't sell the surplus water directly to the North Alpine customers rather than North Star Utility. Again, Mr. Fusco advised the Town's engineer must approve the selling of any excess water and that it is available for sale.

**Leon Kjellgren, Nelson Engineering/ Town Engineer:** In Mr. Kjellgren's opinion he believes North Star Utility is in existence because he has advised Mr. Halpin the Town of Alpine cannot provide the capacity for sewer and water needed for his project. There is significant property within the Town which hasn't been developed. Water use for the Town of Alpine for the past two years has required usage of both pumps/ wells at times. Currently, Mr. Kjellgren feels any developer, even offering 5 or 10 lots, the Town cannot provide service. Mr. Halpin desires to move forward and, therefore, North Star Utility was created to guarantee service to any potential buyers.

Mr. Kjellgren advised he would like to see Mr. Halpin dedicate his infrastructure for public use sometime in the future, i.e., 2-4 years from now when the Town can provide the service by creating a new treatment plant and expanding its water capabilities. Mr. Kjellgren stated, "We are not going to spend any public monies of the Town of Alpine on the other side of the river or under the river." The grants are due in the next couple of months and the State acts on that request in June 2006. If the Town waits until June 2006 to file an application and if approved the money would not be available until September 2006. Not all grants and loans require this; however, this particular grant is the most readily used. The grant the Town of Alpine is going to apply for is for the benefit of the Town of Alpine. Mr. Kjellgren stated, "None of the state money is eligible to be used on the North side of the river either in a grant or loan request." He believes it is reasonable to utilize the impact from the other side of the river to add strength to the fact the Town needs a new sewer treatment plant. The Town doesn't have to act on gaining a new treatment plant, but will be faced with it eventually according to Kjellgren. He believes it makes sense to have one wastewater treatment plant

and placed adjacent to the existing facility near River View Meadows. The site location of any new sewage plant is now a political issue and no longer an engineering issue. All current sewage lines lead to this location.

The grants being discussed tonight cannot be used by any private developer; they are only going to be used to subsidize the Town of Alpine's costs would be if they went in together with Mr. Halpin to create a sewage treatment plant for the benefit of everyone. The feasibility study will be divided for proposed use between the north and south sides of the river and the bill would be divided accordingly. The costs of the construction, engineering, design would be divided equitably. The cost projections created by the feasibility study will give an idea to current users how much their bills may raise after the new treatment plant is built. He believes the cost most likely will go up for current users; the council can mitigate these increases by utilizing all grants and low interest loans available to the Town of Alpine. Everyone on the council, the lawyer, and the engineering staff will be held legally accountable if any of the funds are used for the private developer. The river divides private enterprise from a public entity currently, and with annexation this will change. He hopes that 3-4 years from now, the Town of Alpine could approach Mr. Halpin and request the North Star Utility be dissolved. He is not "in love with" the concept of North Star Utility; however, Mr. Kjellgren feels the Town forced Mr. Halpin into this as he has no other alternatives.

Mr. Kjellgren stated Mr. Halpin will have nothing to do with preparing the grant which may be filed for a wastewater treatment plant, executing the grant or spending the money on this side of the river. The clerk clarified that Mr. Halpin will retain ownership of the collection system on his side of the river and the Town of Alpine would own the sewer treatment plant. Mr. Kjellgren stated Mr. Halpin will own the collection system and piping under the river until such time as the Town of Alpine deems fit to own this infrastructure.

Mr. Kjellgren advised the feasibility study is needed because all funding agencies expect a facility plan; this plan studies the future needs of any community, growth, capacity, demand, etc. The feasibility study also gives an estimate in order to re-pay the loans or any capital expenditures beyond grant money. The study determines the type of plant which is most beneficial to the Town of Alpine. The Town's current sewage treatment plant is antiquated compared to today's treatment options; the open air of the plant design, the fact it cannot be heated, and the fact the process is obsolete, renders it outdated. The life span of the existing plant is approximately 20-30 years and any developer would have offered a similar product. However, today the needs of the Town are different; the plant must be easily expandable, be a concrete facility with a lifespan of at least 50-60 years, and it is important the design and engineering responsibilities of the plant are taken out of the hands of the developer and put into total control of the Town. Mr. Kjellgren is a resident of Alpine and has personal concern of any decisions that are made. Without the feasibility the Town will not know what type of plant to build and will not have any chance of receiving grants.

The facilities plan determines a future road map for sewage treatment needs, who is responsible for the costs, and what those costs will be. The clerk advised to her knowledge the current plant is used at 70-75% capacity; however, a significant factor which many of the residents may not realize is the fact the Town resorted to using a sludge dewatering trailer to waste the sludge due to the inherent faulty design of using drying beds which are ineffective. If the plant were to increase to 100% capacity the current dewatering trailer may not be sufficient. Mr. Kjellgren agreed the dewatering trailer is a stop-gap method. The current plan will require a sludge management plan.

The feasibility study will be 100% paid by Mr. Halpin and the grants will require a feasibility study. Mr. Kjellgren believes this plan will open doors for grantors to approve design and construction grant funding. It's essential requirement to the grant funding process.

Mr. Wooden responded to Mr. Kjellgren's comments in which the Town forced Mr. Halpin into creating the North Star Utility company. Usually most communities do not have the services to offer to any developer of that size. He offered the Town should have told the developer that the Town doesn't have the right sewage capacity, but give the money to the Town and they will develop the services. The Town should know what kind of plant it wants and require the developer to adhere. Mr. Wooden advised he certainly didn't decide the RVM treatment facility. He believes the Town's current growth is based on the fact sewage and water services were developed.

Mayor Lloyd advised Mr. Halpin intends to pay for the installation for sewer and turn it over to the Town of Alpine. Again, Steve Fusco offered that Mr. Halpin attend more meetings in order to work together and move forward. The mayor feels the Town's attorney and engineer have given considerable input to Mr. Halpin recently.

Mr. Carter Wilkinson advised that once the deeds to Mr. Halpin's project are turned over to private owners and Mr. Halpin is out of the picture, the leverage to demand any impact fees is gone. The money he has agreed to pay for the feasibility study is also gone at this point. The time to exert the Town's leverage is now when Mr. Halpin is the owner of the lots. Steve Fusco questioned whether North Star Utility would be required to pay impact fees. Mr. Wilkinson feels these fees would be considerably less than from the developer directly.

Mr. Lloyd would like to get into a joint powers agreement between the Town and the county prior to annexation due to all the impacts from the growth. According to the mayor he contacted Jim Lubing today, December 6th, 2005, to proceed with annexation as soon as possible.

Kathy Jenkins inquired whether another sewer assessment fee would be added to the existing assessment she is already paying with the new system. Mr. Lloyd advised he isn't sure at this point as it depends on how the money filters in. Leon Kjellgren advised the new sewage treatment plant should be designed to allow the dumping of private septic tanks into the system; this will increase revenue streams for the Town, however, the "dumps" may be limited on a weekly basis. This allows for additional revenue which may mitigate costs to consumers.

Mr. Johnson questioned how the Town is going to calculate and negotiate the impact fees and the fact that Mr. Halpin has offered \$150,000.00 which is nothing in comparison to the project. The Mayor advised there are people who are used to dealing with these issues that the Town must contact, i.e., attorneys, accountants, etc. Mr. Johnson feels at least impact fees of \$1,500,000.00 is not out of the question. Mr. Johnson questioned whether there has been any negotiation for impact fees from the developer and if so, has the public been advised. The mayor advised the only approval so far is to proceed with negotiating and the meetings will be public. Mr. Johnson advised there are a lot of meetings that have taken place he hasn't been aware of. Mr. Johnson questioned the second resolution on tonight's agenda which allows negotiation with the developer and the fact that the Town's engineer stated the Town has no surplus water to offer at this point. The Mayor reiterated the resolution is only agreeing to enter into negotiations not to sell anything at this point. The resolution was agreed by the council to draft the resolution and will be voted on tonight.

Mr. Johnson questioned why Mr. Halpin isn't present tonight and the mayor advised Mr. Halpin wasn't asked. The legal department for the Town reviewed the resolution with his legal counsel. Mr. Johnson questioned why the lawyer has been discussing Town business outside of a Town meeting. Carter Wilkinson advised the sewer and water resolutions on tonight's agenda were read word-for-word last Friday night and nothing has been altered. Again, Mr. Halpin wasn't advised to be here and should be invited.

The clerk asked why the annexation report paid for by Mr. Halpin didn't contain impact fees and suggested an addendum to this report be completed. As the Town clerk she offered a suggestion that additional flyers and publishing occur to make local and area residents feel more informed of the meetings. Mr. Johnson suggested the notices be published near the Alpine section in addition to any legal postings. Shirley Brown suggested an Alpine Newsletter be created as well. Mayor Lloyd offered not many more people could have fit into the room on Friday. Kathy Jenkins offered Jackson commuters read the Jackson Daily and newspaper more often than the S.V. Independent.

Donn Wooden advised the resolutions are necessary for discussion and to put everything into motion. This is just the ground floor in his opinion. Don Jorgensen offered that the two resolutions are a step in the right direction in making developers accountable. Mayor Lloyd questioned Mr. Johnson which meetings are being held without the public's knowledge. No response was given. (clerk's note: a vote and further discussion on the feasibility study follows later in the minutes).

- **RVM ENTRANCE LIGHTING ISSUE**: Steve Fusco asked for further discussion and ideas were discussed from grant funding to the Town pursuing dialogue with WYDOT. Bill Flowers advised they are in agreement with any type of lighting which pleases everyone, including extension of beautification lighting or down-cast lighting which helps with light pollution. The clerk added with most grants require matching funds. **Steve Fusco motioned for the council to move forward into looking at lighting the subdivision entrances to RVM up to four (4) locations and three (3) intersections. Don Jorgensen seconded. VOTE: 5-Yes; 0-No; 0-Abstain; 0-Absent.**
- **WORKSHOP MEETING FOR COUNCIL PLANNED FOR NEXT TUESDAY, 12/13/05 AT 7:00 P.M.** – to discuss issues with the snow removal ordinance asked it be TABLED.
- **FEASIBILITY STUDY FOR A NEW WASTEWATER PLANT**: Don Jorgensen motioned to approve Nelson Engineering completing a feasibility study as presented to the council on the wastewater plant which Mr. Halpin will pay for and allow the mayor, Dave Lloyd to sign the contract. D.R. Hutchinson seconded. **VOTE: 5-yes; 0- No; 0-Absent; 0-Abstain.**

Mayor Lloyd suggested a resolution should also be completed at the next meeting solidifying the above. Mr. Kjellgren can proceed now with the feasibility study.

- **SNOW REMOVAL CONTRACT**: Mayor Lloyd advised D.R. Excavation was fired two weeks ago on a Sunday due to the fact they did not have the necessary equipment available to remove the snow. Jim Sandner, Northstar Corporation, was subsequently hired to complete the contract. Mayor Lloyd called for a motion to approve changing contactors. **D.R. Hutchinson so moved. Don Jorgensen seconded. VOTE: 5- Yes; 0-No; 0- Abstain; 0- Absent**
- **SNOW REMOVAL ORDINANCE**: The ordinance is ambiguous in regard to private snow removal and other areas. The council is going to review the verbiage of the ordinance at their upcoming workshop.
- **241-Resolution No. 1 – 12-06-2005**: North Star Utility - Moving Forward Sewer Treatment Agreement  
Mayor Lloyd read the ordinance in its entirety. Steve Fusco feels the resolution is an important step and asked for Mr. Halpin and his people attend more meetings to work with the Town and resolve the issues.  
**Steve Fusco motioned to approve passing 241-Resolution No. 1 -12-06-2005. D.R. Hutchinson seconded. VOTE: 5-Yes; 0- No; 0- Abstain; 0-Absent**
- **242-Resolution No. 2- 12-06-2005**: North Star Utility - Moving Forward Water Agreement. Mayor Lloyd read the resolution in its entirety. Steve Fusco questioned Mr. Kjellgren that upon his word there is no excess water supply to sell then there will be no agreement to which he agreed. **Steve Fusco motioned to approve 242- Resolution No. 2- 12-06-2005. D.R. Hutchinson seconded. VOTE: 5- Yes; 0- No; 0- Absent; 0- Abstain**

D.R. Hutchinson advised the Town of Alpine has the ability to offer 17 acres for sewage treatment compared to one lot within the Alpine Meadows development. According to Mr. Hutchinson the D.E.Q. will not consider two different large sewage treatment facilities on each side of the river. This is a bargaining chip for the Town in his opinion. The expansion of the water system by adding a new well and upgrading the pumps are additional assets for the Town. Mr. Hutchinson added that he is for annexation, however, believes the Town of Alpine comes first.

**B. DEPARTMENT UPDATES:**

- **STREETS & ROADS:**
- **SEWER DEPARTMENT:**
- **WATER DEPARTMENT:**
- **PARKS & RECREATION DEPARTMENT:**
  
- **PLANNING & ZONING COMMISSION:**
- **POLICE DEPARTMENT/COURT:** NOVEMBER 2005 COURT REPORT;
- **PERSONNEL/ ADMINISTRATIVE:**

**C. ON-GOING BUSINESS/ INFORMATION:**

**D. INFORMATION DISTRIBUTED TO COUNCIL:**

- W.A.M. – Request for Ideas for Winter Workshop
- 11-29-05 Letter from Bryant Brown RE: North Alpine Annexations

**E. FINANCIALS/ UNPAID BILLS:**

**D.R. Hutchinson motioned to approve payment of the unpaid bills. Don Jorgensen seconded. VOTE: 5-Yes; 0- No; 0- Abstain; 0- Absent**

Meeting adjourned at 9:35 p.m.

\_\_\_\_\_  
David H. Lloyd, Mayor

\_\_\_\_\_  
Date

ATTEST:

\_\_\_\_\_  
Tracy Matthews, Clerk

\_\_\_\_\_  
Date